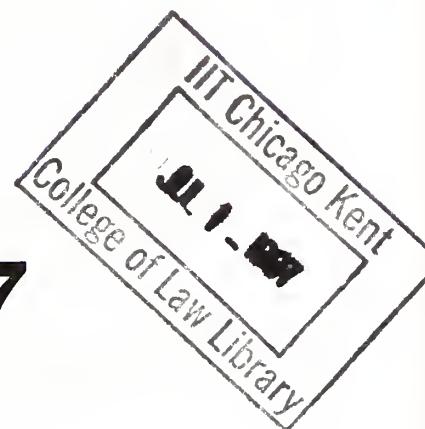


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Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
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Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
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Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
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Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
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June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Emergency Planning and Community Right-to-Know
- 2) Code Citation: 29 Ill. Adm. Code 620
- 3) Section Numbers:
- | | |
|---------|-------------------------|
| 620.10 | <u>Proposed Action:</u> |
| Amend | |
| 620.20 | Amend |
| 620.30 | Amend |
| 620.40 | Amend |
| 620.50 | Amend |
| 620.60 | Amend |
| 620.70 | Amend |
| 620.80 | Amend |
| 620.90 | Amend |
| 620.100 | Amend |
| 620.200 | Amend |
| 620.210 | Amend |
| 620.220 | Amend |
| 620.230 | Amend |
| 620.240 | Amend |
- 4) Does this rulemaking contain an automatic repeal update? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Interested persons may submit written comments to:

Dean Schlee
 Manager, Hazardous Materials
 Compliance & Enforcement
 Illinois Emergency Management Agency
 110 East Adams Street
 Springfield, IL 62701-1109
 217/782-4694

All written comments received within 45 days after this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any business that uses, stores, or manufactures a hazardous substance in quantities of 10,000 pounds or more and/or an extremely hazardous substance in quantities of threshold planning quantity or 500 pounds, whichever is lower.

B) Reporting, bookkeeping or other procedures required for compliance: The submission by regulated businesses of the emergency planning notification, Material Safety Data Sheets, and the Emergency and Hazardous Chemical Inventory Report.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time of the most recent regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

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| 620.80 | Amend |
| 620.90 | Amend |
| 620.100 | Amend |
| 620.200 | Amend |
| 620.210 | Amend |
| 620.220 | Amend |
| 620.230 | Amend |
| 620.240 | Amend |
- 4) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.) and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].
- 5) A Complete Description of the Subjects and Issues Involved: Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) establishes the "Emergency Planning and Community Right-to-Know Act (EPCRA)". This Act requires the Illinois Emergency Management Agency (IEMA) as the State Emergency Response Commission (SERC) to designate emergency planning districts and to organize and supervise a local emergency planning committee (LEPC) within each established district.
- EPCRA also requires the SERC and LEPC to prepare a comprehensive State and local hazardous materials emergency response plan designed to protect the public and the environment from the harmful effects that may result from an accidental release of an extremely hazardous substance. The Act also authorizes public access to information about chemicals, except trade secrets, that are used or stored at a facility. The Act requires notification to the SERC by business owners or operators that have an extremely hazardous substance at their facility that exceeds threshold quantities established by the US EPA. EPCRA also requires the submission of an Emergency and Hazardous Chemical Inventory Report, as well as Material Safety Data Sheets (MSDS) to the SERC by Illinois businesses, the local fire department, and the local emergency planning committee.
- 6) Will these proposed amendments replace emergency rules currently in

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY MANAGEMENT SERVICES-AND-DISASTER AGENCY
SUBCHAPTER f: CHEMICAL SAFETY

PART 620

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

SUBPART A: EMERGENCY PLANNING AND NOTIFICATION

Section	Purpose
620.10	Definitions
620.20	The State Emergency Response Commission (SERC)
620.30	Emergency Planning Districts
620.40	Local Emergency Planning Committee
620.50	Revisions
620.60	Functions of a Local Emergency Planning Committee
620.70	Preparation of Local Emergency Plan
620.80	Substances and Facilities Covered and Notification
620.90	Emergency Notification
620.100	

SUBPART B: REPORTING REQUIREMENTS

Section	Purpose
620.200	Material Safety Data Sheets (MSDS)
620.210	Public Availability of MSDS, Plans, Forms and Follow-up Notices
620.220	Emergency and Hazardous Chemical Inventory Forms - Tier I Information
620.230	Tier II Information
620.240	

AUTHORITY: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 9635, effective May 5, 1987, for a maximum of 150 days; adopted at 12 Ill. Reg. 9888, effective May 31, 1988; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: EMERGENCY PLANNING AND NOTIFICATION

Section 620.10 Purpose

This Section section implements comprehensive State state and local emergency response plans designed to protect the public and the environment from any

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harmful effects that may result from an accidental release of an extremely hazardous substance. Specifically, it outlines planning requirements and notification procedures.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.20 Definitions

"Act" or SARA" means the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499 42-U-S-67 1001-et-seq).

"CERCLA" means the Comprehensive Environmental Responses, Compensation and Liability Act of 1980 (42 USCA U-S-6-A7 9601 et seq.), as amended.

"CERCLA hazardous substance Hazardous-Substance" means a substance on the list defined in Section 101(14) of CERCLA.

"Extremely hazardous substance" means any substance listed in Appendix A of 40 CFR 355, dated April 22, 1987. This Appendix does not include any later amendments or editions.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person who controls, is controlled by, or is under common control with such person).

"Hazardous chemical" means any hazardous chemical as defined under 29 CFR 1910.2000(c), except that such term does not include the following substances:

Any food, food additive, color additive, drug, or cosmetic regulated by the Food food and Drug Administration drug administration.

Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

Any substance to the extent it is used for personal, family, or household purposes, or is presented in the same form and concentration as a product packaged for distribution and use by the general public.

Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of someone who possesses at least an Associate's

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Associates Degree or equivalent, or who possesses a professional license or certificate issued by the State of Illinois for which scientific knowledge or coursework is required for certification.

Any substance to the extent it is used in routine agricultural operations related to farming, such as, but not limited to, crop fertilization, or is a fertilizer held for sale by a retailer to the ultimate customer.

"IDOL 1B5" means the Illinois Department of Labor.

"IEMA/ESBA" or "Agency" means the Illinois Emergency Management Services-and-Disaster Agency.

"Inventory form" means the Tier I and Tier II emergency and hazardous chemical inventory forms set forth in Subpart D of 40 CFR 370, dated October 15, 1987. This incorporation does not include any later amendments or editions.

"Material Safety Data Sheet" or "MSDS" means the sheet required to be developed under 29 CFR 1910.1200(g).

"Municipality" means city, village, or incorporated town.

"Principal executive officer" means chairman of the county board in the county, mayor of the city or incorporated town in the city or incorporated town respectively, president of a village in the village, or in their absence or disability, the interim successor as established pursuant to Section 7 of the "Emergency Interim Executive Succession Act" [5 ILCS 275] (111-Rev-Stat-1985-ch-102-par-101 et-seq.).

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous substance or CERCLA hazardous substance.

"Reportable quantity" means, for any CERCLA hazardous substance, the reportable quantity established in Table 302.4 of 40 CFR 302, for such substance, or, for any other substance, the reportable quantity is one pound.

"State Emergency Response Commission" or "SERC" means the Illinois Emergency Management Services-and-Disaster Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 to carry out all State responsibilities required by that Act.

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"Threshold planning quantity Planning-Quantity" means, for a substance listed in Appendices A and B of 40 CFR 355, the quantity listed in the column "threshold planning quantity" for that substance.

"TPQ" means threshold planning quantity.

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.30 The State Emergency Response Commission (SERC)

The Illinois Emergency Management Services-and-Disaster Agency (IEMA) (ESBA) was designated State Emergency Response Commission (SERC) on January 27, 1987, by the Governor of Illinois. The State Emergency Response Commission shall have certain powers to enforce legislation known as Title III of the Superfund Amendments Reauthorization Act (SARA) entitled the Emergency Planning and Community Right-to-Know Right-to-Know Act of 1986 (42 USC 9601-11001 et seq.). Specifically, the SERC shall:

- Designate emergency planning districts within the State state.
- Appoint local emergency planning committees.
- Supervise and coordinate local emergency planning committee activities.
- Establish procedures for receiving and processing requests from the public for information regarding hazardous chemicals that may be stored and used at fixed facilities.
- Designate an official to serve as coordinator for information.
- Carry out any other responsibilities as designated by the Act and any amendments thereto.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.40 Emergency Planning Districts

The SERC is charged under the Act with designating emergency planning districts. Therefore, the SERC shall designate emergency planning districts pursuant to the following conditions: In order to facilitate emergency planning preparation as well as the execution of emergency plans, the SERC shall designate boundaries which shall compose emergency planning districts. To this end, the SERC shall designate each county in Illinois to serve as an emergency planning district.

- The SERC may designate or revise its designation of planning districts as it considers necessary or appropriate pursuant to Section 301 of the Act.
- The SERC may also designate or revise its designation of planning districts in response to the following:

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- 1) At the written request of the chief executive of two or more adjoining planning districts, the SERC may designate these districts to constitute a joint planning district.
- 2) Upon written request to the SERC by the chief executive of a home rule jurisdiction with a population of at least 70,000, the chief executive of the committee in the planning district where the home rule unit is located, and the chief executive of the county where the home rule unit is located, the SERC may designate that home rule unit to constitute a planning district.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.50 Local Emergency Planning Committee

A local emergency planning committee shall be established within each emergency planning district no later than 30 days after the SERC designates emergency planning districts, ~~or by August-17-1987, whichever is earlier.~~

a) Planning Committee Representatives

The local emergency planning committee shall, as a minimum, be composed of representatives from the following groups or organizations:

- 1) State and local elected officials
- 2) Local environmental groups group
- 3) Law enforcement
- 4) Hospital
- 5) Local government ESDA
- 6) Transportation
- 7) Fire fighting
- 8) Broadcast and print media
- 9) First aid or emergency medical service
- 10) Community groups
- 11) Health
- 12) Owners and operators of facilities subject to Section 620.90 of this Part

b) Establishing a Local Emergency Planning Committee

The principal executive officer of the geographic area designated as an emergency planning district by the SERC shall be responsible for recruiting and recommending in writing to the SERC the names of volunteers representing the organizations or groups cited in subsection (a) above of this Section. The SERC shall review the list of recommended local emergency planning committee appointees from each emergency planning district and, from these lists, appoint members to serve on each district's local emergency planning committee. The SERC shall notify, in writing, the principal executive officer of the geographic area designated as an emergency planning district ~~in writing~~ of the local emergency planning committee appointments.

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- 1) Within 30 thirty days following appointment by the SERC, the local emergency planning committee shall elect ~~appoint~~ a chairperson (in accordance with subsection (b)(3) of this Section) and designate an official to serve as coordinator for information. The local emergency planning committee shall also establish rules and procedures for operation by which it shall function in accordance with Section 301(c) of the Act.
- 2) The local emergency planning committee shall notify the SERC in writing of its elected chairperson and designated coordinator for information, including the address and phone number of these officials. The SERC shall provide the name of these officials to the public upon request.
- 3) The committee chair must be elected by a majority vote of all of its members. The term of office for the committee chair shall not exceed 3 years. At the end of this 3 year term the committee chair may be reinstated provided that a nomination is made and seconded and that the nomination is supported by a majority vote of all members. Otherwise a new candidate must be selected and elected by a majority vote of its membership. The terms of all other offices shall be established by the committee. The local emergency planning committee, by a majority vote of all its members, may at any time remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the committee, the SERC may remove a member of the committee for those reasons. If an emergency planning district consists only of territory within one county, the SERC shall appoint the members of the committee of the district from a list of persons submitted to the SERC by the County Board Chair of that county. If the emergency planning district or joint emergency planning district contains territory that is wholly or partly within 2 or more counties, the SERC shall appoint the members of the local emergency planning committee from the list of persons submitted to the SERC by the County Board Chair of each county having territory within the planning district or joint planning district.
- 5) Serving as a member of a local emergency planning committee does not constitute holding a public office or position of employment under the laws of Illinois and does not constitute grounds for removal from public office or employment.
- 6) The SERC may, as it considers appropriate, modify its designation of emergency planning districts or alter the composition of the groups and organizations represented on the local emergency planning committee or the number of members representing any of those groups or organizations on the committee, provided that each of the organizations or groups specified in subsection (a) of this Section is represented on the committee. By written petition, members of the public may request the SERC to modify the representation of those groups or organizations on the local emergency planning committee. The SERC shall declare the

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position of the members abolished if it reduces or eliminates representation of a group or organization on the committee, and the person whose position is so abolished shall cease to serve as a member of the committee on the effective date of the SERC's declarations. Appointments of members to fill positions established as a result of modification of the composition of the committee shall be made in the same manner as original appointments under this Section.

- 7) If the SERC alters the boundaries of an emergency planning district or designates a joint district, it shall, within 45 days after the effective date of the action, appoint a committee for each district created by or whose boundaries were altered by that action. Upon the appointment of a planning committee for each such district, the planning committee of each of the districts that existed prior to that action shall cease to exist.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.60 Revisions

The SERC may revise designated emergency planning districts and local emergency planning committee appointments under authority of in accordance with Section 301(d) of the Act. Interested persons may petition the SERC to modify a local emergency planning committee membership by writing to: the

Manager Supervisor, Hazardous Materials Compliance and Enforcement Programs
Illinois Emergency Management Services-and-Disaster Agency
110 East Adams
Springfield, Illinois 62701-1109 62706.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.70 Functions of a Local Emergency Planning Committee

- a) The local emergency planning committee shall, as a minimum, carry out the following functions in accordance with Section 301(c) of the Act:

- 1a) Elect Appoint a chairperson and vice-chairperson and a secretary to keep records of its proceedings.
2b) Appoint a coordinator for information who shall be responsible for maintaining the committee's files of information received under the Act and rules adopted under it and for receiving and fulfilling requests from the public for that information.
3c) Notify the SERC in writing within 5 working days whenever there is a change in appointed officials. The notification shall

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- include the name and address of the newly appointed official.
4d) Establish operating rules and procedures to include provisions for the following activities:

- A1) Public notification of committee activities.
B2) Public meetings to discuss emergency plans.
C3) Acknowledgment of public comments.
D4) Response to public comments.
E5) Distribution of the local emergency plan.
F6) Receiving and processing requests from the public for information under Section 312 and Section 324 of the Act.
5e) Prepare a local emergency plan.

- 6) Appoint a community emergency coordinator who shall be responsible for coordinating the development and implementation of the chemical emergency preparedness plan of the planning district and for receiving verbal and follow-up written notices of releases of hazardous substances provided under Section 620.100 of this Part.

- 7) Refer to the SERC for approval and transaction, pursuant to Illinois State law, anything to be purchased, leased, leased with option or agreement to purchase, or constructed.

- 8) Establish and carry out a program to monitor regulated facilities within the planning district and to conduct compliance and enforcement activities to ensure that the facilities have submitted the information required by Sections 620.90, 620.100, 620.210, 620.230, and 620.240 of this Part.

- 9) Not later than the first day of July of each year, submit to the SERC a summary report of the compliance and enforcement activities of the committee during the previous calendar year. The report also shall contain the number of facilities that are in compliance with the Sections listed in subsection (a)(8), based upon the submission of emergency and hazardous chemical inventory forms required to be submitted on or before the immediately preceding first day of March under Section 312 of the Act.

- b) A local emergency planning committee may:

- 1) Receive and accept from any public or private source, for the purpose of this Part, gifts, service of personnel, and real or personal property or their use. A municipal corporation, county or township may, for the purposes of this Part, make contributions of services of personnel and real or personal property or their use to or on behalf of the planning district in which it is located. If, as a result of the redesignation of a planning district, desegregation of a joint district, or establishment of a joint interstate district by the SERC, a municipal corporation, county, or township is withdrawn from a district that remains in existence, the DEPC of that remaining district shall ascertain the credits, and real and personal property, of the planning district and shall make an equitable

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- apportionment and distribution in kind of that property between the political subdivision and the district from which it was withdrawn.
- 2) Appoint and through the SERC fix the compensation of employees necessary or appropriate to perform the function of an LEPC under this Part within the planning district. Employees of a planning district shall be considered contractual employees with the State of Illinois for the purposes of the provisions of the Code applicable to contractual employees.
- 3) Request, in writing, that the SERC, pursuant to Section 302(b)(2) of the federal Act, designate an additional facility within the planning district as being subject to the emergency planning and notification requirements of Section 620.90 of this Part.
- 4) Enter into an agreement with the board of health of a city or general health district, a political subdivision that is located wholly or partly within the planning district, or a county wide emergency management agency having jurisdiction within all or a portion of the planning district, whereby the board of health, political subdivision, agency, or authority will exercise any power, perform any function, or render any service on behalf of the committee that the committee may exercise, perform, or render under this Section. The agreement shall specify the power, functions, and services the committee, the board of health, political subdivision, agency, or authority is authorized to exercise, perform, or render and shall establish, either in specific terms or by prescribing a method for determining them, the amounts of any payments to be made by the committee to the board of health, political subdivision, agency, or authority for performance of the agreement. An agreement authorized under this subsection (b)(4) does not diminish the authority of the committee to exercise any power or perform any function being exercised or performed on its behalf by the board of health, political subdivision, agency, or authority under the agreement. By resolution, adopt rules establishing requirements for reporting or providing the names and amounts of extremely hazardous substances or hazardous chemicals produced, used or stored at facilities within its emergency planning district; for the reporting or providing of information regarding locations where those substances or chemicals are stored at those facilities; or for the reporting of releases of extremely hazardous substances, hazardous substances, or oil that are more stringent than the reporting and hazard communication requirements under the federal Act and this Part. The rules may include, without limitation, reporting requirements regarding the names, amounts or storage locations of chemicals described in federal and State statutes. A committee shall not create or require the use of forms other than those approved by the SERC. Before enforcing a more stringent requirement, the committee

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- shall obtain a variance from the SERC. No person shall violate a rule adopted under this subsection (b)(5).
- 6) Enter into contracts through the SERC for the development or provision of the training programs, seminars, or other forms of educational programs that are required to be included in the plan of each planning district.
- 7) Do all things necessary, incidental, or appropriate to perform the duties and exercise the power of an LEPC under this Part and under the federal Emergency Planning and Community Right-to-Know Act of 1986 and regulations adopted under it.
- c) Members of a local community planning committee are entitled to the immunity afforded public officers and employees.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.80 Preparation of Local Emergency Plan

Each local emergency planning committee shall complete an emergency plan by October 17, 1988. After completion of an emergency response plan for an emergency response district, the local emergency planning committee shall send a copy of the plan to the Illinois Emergency Management Services--and--Disaster Agency (IEMA) (IEMSA) Regional Coordinator for the region in which the emergency planning district is located. The IEMA IEMSA Regional Coordinator shall review the plan and make recommendations in writing to the committee about on revisions of the plan that may be necessary to ensure coordination--of such plans--with plans--of other local emergency planning districts.

- a) The emergency plan shall cover, as a minimum, each of the provisions listed in Section 303(c)(1) through Section 303(e)(9) of the Act.
- b) The local emergency planning committee shall review the emergency plan once a year, or more frequently, as changed circumstances in the community or at any facility may require.
- c) The owner or operator of a facility within an emergency planning district whose facility is subject to the requirements of the Act shall provide pursuant to Section 303(d) of the Act information relating to emergency planning to the local emergency planning committee.
- d) The emergency plan shall be exercised at least annually.
- e) The local emergency planning committee shall identify training needs for emergency responders in support of the emergency plan.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.90 Substances and Facilities Covered and Notification

- a) Substances
- A substance is subject to the requirements of the USEPA's list of

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extremely hazardous substances as covered in Section 302(a) of the Act. For the purpose of this Section rule, Section 302(a) of the Act establishes the requirements by which threshold planning quantities of a substance shall be determined.

b) Facilities

1) Any facility is subject to the requirements of this Section if that facility has present a substance referred to in Section 302(a) of the Act and specifically listed in 40 CFR 355, Appendix A, in an amount in excess of the threshold planning quantity established for such substance in 40 CFR 355, Appendix A. This shall be in compliance with Section 302(b)(1) of the Act.

2) The Governor or SERC may designate additional facilities in accordance with Section 302(b)(2) of the Act as follows: For purposes of emergency planning, the Governor or SERC may designate facilities which shall be subject to the requirements of the Act if such a designation is made after public notice and opportunity for comment. The Governor or SERC shall notify the facility concerned of any facility designation designated under this subsection (b)(2) paragraph. Public notice will be made through trade associations and newspapers and there will be a 30-day comment period before a facility is subject to the emergency planning and notification requirements. The Agency will notify facilities so designated by mail.

c) Emergency Planning Notification

1) No later than May 17, 1987, the owner or operator of a facility subject to the requirements of subsection Section-620-99(b)(1) of this Section and Section 302(b)(2)(c) of the Act (42 USCA 11002(c)) shall notify the SERC that their facility is subject to those the requirements of these Sections. The notification shall be in writing. The notification shall include the name of the business, and the address and the county of the facility where the substance is located. The letter shall be addressed to: the Manager Supervisor, Hazardous Materials Compliance and Enforcement Programs, Illinois Emergency Management Services--and Disaster Agency, 110 East Adams, Springfield, Illinois 62701-1109 62706.

2) After May 17, 1987, if a substance on the list of extremely hazardous substances first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the SERC and the local emergency planning committee in the planning district where the facility is located within 60 days after such acquisition or revision that such facility is subject to the requirements of this Part rule. The notification shall be in writing.

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d) The local emergency planning committee shall ensure that the local emergency preparedness plan is amended to include any facility in their district that sends notification pursuant to this subsection (c) of this Section.

e) The SERC shall mail emergency planning notification data to the USEPA in accordance with Section 302(d) of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.100 Emergency Notification

a) Types of Releases

The types of releases which are identified in Section 304(a) of the Act (42 USCA 11004(a)) shall be the types of releases that shall be subject to the emergency notification requirements of this Section.

b) Notification

1) Notice required under Section 304(a) of the Act shall be given immediately after a release to the recipients of notice and in accordance with Section 304(b)(1) of the Act and 29 Ill. Adm. Code 430. Notification to the SERC shall be made by telephoning 1-800-782-7860.

2) Content of an emergency notice shall include information required in Section 304(b)(2)(A) through Section-304(b)(2)(H) of the Act.

3) The owner or operator of a facility that has provided a notification in accordance with this subsection Section 620-100(b) of this Section shall provide a written follow-up notice in accordance with Section 304(c) of the Act.

4) In providing emergency notification of a release in accordance with Section 304(b) of the Act with respect to transportation or storage incidents, the owner or operator of a facility shall notify the SERC by telephoning 1-800-782-7860 in Illinois.

5) A facility owner or operator in a corporate headquarters outside Illinois whose transportation carrier is involved in an incident in Illinois reportable under the provisions of Section 304 of Title III of SARA (42 USCA 11004) ~~may~~ may make an emergency notification to the Illinois SERC in accordance with Section 304 of the Act by dialing 217-782-7860.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: REPORTING REQUIREMENTS

Section 620.200 Purpose

This Section section is designed to set up reporting procedures for facilities that handle hazardous chemicals regulated under the Occupational Safety and

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Health Standards Act of 1970 (29 CFR 1910). It also establishes procedures to ensure that the location and amount of hazardous chemicals in a facility is monitored and made available to the SERC, the local planning committee, the local fire department, and to the public. The availability of this kind of information is designed to facilitate public awareness by allowing individuals to learn about the types and quantities of hazardous chemicals within their own communities.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.210 Material Safety Data Sheets (MSDS)

a) Submission of MSDS/List

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act 29 USC 651 et seq.) of 1970-429-CFR-1910 and regulations promulgated under that Act (29 CFR 1910) shall submit a material safety data sheet for each chemical, or a list of such chemicals as stipulated in Section 311(A)(2) of the Act, and 40 CFR 370, to each of the following:

- 1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109. The Toxic Substances Disposal Act of 1980, 300, Springfield, Illinois 62701, as provided by an inter-governmental agreement between the EPA and the IBT. Submittal of an MSDS or a list of chemicals to the IBT under this Section is required only if the owner/operator of a facility has not submitted to the IBT an MSDS or a list of acquired MSDS pursuant to Section 5 of the Toxic Substances Disposal Act of 1980, Employees Act (Ill. Rev. Stat. 1905, Ch. 48, Section 1405).
- 2) The local emergency planning committee of the planning district in which the facility is located.
- 3) The fire department with jurisdiction over the facility.

b) Content of a List of Chemicals

- The list of chemicals referred to in subsection (a) paragraph a) shall include each of the following:
 - 1) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970, grouped in categories of health and physical hazards as set forth under the Act, or in other categories as prescribed by the USPPA (Appendix A of 40 CFR 355, April 22, 1987).
 - 2) The chemical name or common name of each such chemical as provided on the material safety data sheet.
 - 3) Any hazardous component of each such chemical as provided on the material safety data sheet.

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c) MSDS Due Date

The material safety data sheet or the alternative list must be supplied within before the later of 12 months after enactment of the Act or October 17, 1987, or 3 months after the facility is required to have available an MSDS under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act.

d) Minimum Threshold Level

1) As provided under Section 370-20, 40 CFR 370.20, dated October 15, 1987, the minimum threshold level for reporting under this Section shall be according to the following schedule: 1) The owner or operator of a facility subject to this Section shall submit an MSDS within 12 months after the facility first becomes subject to this Section, for all hazardous chemicals present at the facility in amounts equal to or greater than 10,000 pounds, or that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or TPQ, whichever is less.

2) On or before October 17, 1989, for 2 years and 3 months after the facility first becomes subject to this Section, for all hazardous chemicals present at the facility between 10,000 and 500 pounds, for which an MSDS has not yet been submitted.

3) The minimum threshold for reporting in response to requests for submission of an MSDS pursuant to this Section shall be zero.

e) MSDS From Facility on Request

The owner or operator of a facility shall submit a material safety data sheet requested under Section 311(c)(1) of the Act to the local emergency planning committee within 5 five work days following receipt of the request.

f) A local emergency planning committee, upon request by any person, shall make available an MSDS to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act. If the local emergency planning committee does not have the requested MSDS, the committee shall request the sheet from the facility operator or owner and make the sheet available to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act.

g) Submission of Revised MSDS

Within 3 three months following the discovery by a facility owner or operator of significant new information concerning an aspect of a hazardous chemical for which an MSDS was previously submitted, a revised MSDS must be provided to each of the following:

- 1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109. The Toxic Substances Disposal Act of 1980, 300, Springfield, Illinois 62701, as provided by an inter-governmental agreement between the EPA and the IBT. Submittal of an MSDS or a list of chemicals to the IBT under this Section is required only if the owner/operator of a facility has not submitted to the IBT an MSDS or a list of acquired MSDS pursuant to Section 5 of the Toxic Substances Disposal Act of 1980, Employees Act (Ill. Rev. Stat. 1905, Ch. 48, Section 1405).
- 2) The local emergency planning committee of the planning district

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in which the facility is located.

- 3) The fire department with jurisdiction over the facility.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.220 Public Availability of MSDS, Plans, Forms and Follow-up Notices

Each emergency response plan, material safety data sheet, inventory form, toxic chemical-release-form and follow-up emergency notice is to be made available to the public by the SERC and the local emergency planning committee.

- Information shall be made available to the general public at the Illinois Emergency Management Services-and-Divaster Agency, 110 East Adams Street in Springfield, Illinois, between 8:30 a.m. and 5:00 p.m. everyday except weekends and official holidays.
- The local emergency planning committee in each planning district shall designate a time and location that this information shall be available to the general public.
- Each local emergency planning committee must publish annually a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted.
- The published notice shall state that follow-up emergency notices may subsequently be issued. It shall also announce that any member of the public may review the emergency response plan, MSDS, inventory forms or follow-up at the designated time and place.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.230 Emergency and Hazardous Chemical Inventory Forms Form - Tier I Information

- The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act (29 USCA 651 et seq.) of 1970--(29-CFR-1910) and regulations promulgated under that Act (29 CFR 1910) shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this Section referred to as an "inventory form") to each of the following:

1) The Manager Supervisor of Hazardous Materials Compliance and Enforcement program, Illinois Emergency Management Services--and Divaster Agency, 110 East Adams, Springfield, Illinois 62701-1109 62706.

- The local emergency planning committee of the planning district in which the facility is located.

3) The fire department with jurisdiction over the facility.

- The facility owner or operator shall submit the inventory form on--or

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before--March--17--1990--and annually thereafter on March 1. The form shall contain data with respect to the preceding year.

- Minimum Threshold Levels

1) As provided under Section-370-207, 40 CFR 370.207--dated (October 15, 1987), the minimum-threshold-level-for-reporting-under-this Section-shall-be-according-to-the-following-schedule--the owner or operator of a facility subject to this Section shall submit either the Tier I form or the Tier II form:

- On or before March--17--1990--for March 1 of the first year after the facility first becomes subject to this Section, covering:

- all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds; or

- all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPQ, whichever is less.

- On or before March-17-1990--for March 1 of the second year after the facility first becomes subject to this Section, and annually thereafter, covering:

- all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds; or

- all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPQ, whichever is less.

- On--or--before--March--17--1990--for March 1 of the third-year after--the--facility--first--becomes--subject--to--this--Section, and--annually--thereafter--covering--all--hazardous--chemicals present--at--the--facility--during--the--preceding--calendar--year in--amounts--equal--to--or--greater--than--zero--pounds--or--that--are extremely--hazardous--substances--present--at--the--facility--in--an amount--equal--to--or--greater--than--500--pounds--for--55--gallons) or--the--TPQ--whichever--is--less.

- The minimum threshold for reporting in response to requests for submission of a Tier I form pursuant to Section 620.240 of this Subpart shall be zero.

- The inventory form shall contain Tier I or Tier II information as described in Section 312(d)(1) of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 620.240 Tier II Information

An inventory form shall provide additional information as required in Section

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312(d)(2)(A) through Section--312(d)(2)(F) of the Act for each hazardous chemical present at the facility. Tier II information shall be made available to the public only upon request and in accordance with Section 312(e) of the Act.

- a) On request by the SERC, the local emergency planning committee or fire department, the facility must provide specific Tier II information to the person making the request. A request from any of these entities shall reference a specific facility.
- b) A member of the public may ask the SERC or the local emergency planning committee for Tier II information regarding a facility. Any information in their possession is to be made available subject to limitations for trade secret protection and protection of information regarding specific location in the plant (in accordance with Section 322 of the Act) if so requested by the facility.
- c) If a request from a member of the public cannot be provided because Tier II information is not available, the SERC or local emergency planning committee shall submit a written request for it to the facility.
- d) A request to the facility is compulsory for hazardous chemicals present at the facility in excess of 10,000 pounds during the preceding calendar year. Below the 10,000 pound threshold the decision to request Tier II information shall be determined by the SERC or the local emergency planning committee in accordance with the provisions of Section 312(e)(3)(C)(f) of the Act.
- e) The SERC or local emergency planning committee shall respond to a request for Tier II information no later than 45 forty-five days after receipt of the request.
- f) The facility owner or operator shall record Tier I and Tier II information on inventory forms that shall be published by the USEPA.
- g) A business may acquire a blank Tier I and Tier II Emergency and Hazardous Chemical Inventory forms form from the SERC by writing to: the

Manager Supervisor---of Hazardous Materials Compliance and Enforcement Programs
Illinois Emergency Management Services-and-Disaster Agency
 110 East Adams
 Springfield, Illinois 62701-1109 62706.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certificate of Certified Public Accountant

- 2) Code Citation: 23 Ill. Adm. Code 1400

- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1400.10	Amended
1400.20	Amended
1400.30	Amended
1400.40	Amended
1400.50	Amended
1400.55	Amended
1400.60	Amended
1400.70	Amended
1400.80	Amended
1400.90	Amended
1400.105	New Section
1400.110	Amended
1400.115	New Section
1400.116	New Section
1400.117	New Section
1400.160	Amended
1400.175	New Section
1400.180	Amended
1400.190	Amended
1400.210	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Public Accounting Act [225 ILCS 450]

- 5) A Complete Description of the Subjects and Issues Involved: In addition to several non-substantive changes for consistency and clarity, provisions for hearings are expanded to provide greater due process for applicants, candidates and others denied admittance to the CPA examination or accused of violations. A Section is added prohibiting specified types of misconduct and providing penalties therefore, and to enforce the confidentiality and non-disclosure requirements of the CPA examination. Restrictions on Board members' involvement in CPA exam review courses are added to avoid conflicts of interests. Provisions are added to allow proxy voting by Board members in limited circumstances, and to allow presence at meetings by video and teleconference. Fees for taking the exam, certification by reciprocity and related services are increased to meet the statutory requirement that the exam be self-supporting. A provision is made for candidates who wish to have a grade review. A provision is added to allow the Board to grant variances in limited situations.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule has no effect on units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on these proposed amendments may submit written comments within 45 days after the date of publication of this notice to:

Ms. JoAnne Vician
Executive Director
Illinois Board of Examiners
505 E. Green Street
Room 216
Champaign, IL 61820-5723

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Board did not anticipate filing of these amendments at that time.

The full text of the Proposed Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VI: BOARD OF EXAMINERS

PART 1400

CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

Section	Administrative Functions
1400.10	Duties of the Board of Examiners
1400.20	Appointment to of the Board of Examiners
1400.30	Board Address
1400.40	Organization and Compensation of the Board of Examiners
1400.50	Admission to the Examination; Issuance of Reciprocal
1400.55	Public Accountant EPA Certificates
1400.60	Filing of the Application and Payment of Fees
1400.70	Rebate of Fees
1400.80	Appeals; Hearings
1400.90	The Educational Requirement
1400.100	Examinations - General
1400.105	Examinations - Misconduct
1400.110	Examinations - Uniform Examination Examinations - Non-Disclosure - Security
1400.115	Examinations - Required Confidentiality Statements
1400.116	Examinations - Violations
1400.117	Examinations - Penalties for Violation of Non-Disclosure Provisions
1400.120	Examinations - Frequency
1400.130	Examinations - Scope
1400.140	Examinations - Length
1400.150	Examinations - Preparations and Grading
1400.160	Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1400.170	Failure in All Subjects - Re-Examination
1400.175	Candidate Request for Grading Review
1400.180	Certified Public Accountant 6-P-A: Certificate - Awarding
1400.190	Retention of Records
1400.200	Disposition of Fees
1400.210	Granting Variances

AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency

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amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; Transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 1400.10 Administrative Functions

The administrative functions of the Board of Examiners (hereinafter called "the Board") University of Illinois under the Illinois Public Accounting Act as amended shall be performed by an Executive Director and a Deputy Director of the Board of Examiners, appointed by and responsible to the Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.20 Duties of the Board of Examiners

- a) The Board of Examiners (hereinafter called "the Board") shall receive all applications for examinations under the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall issue letters of admission to the examinations designating the date and place of the examinations to applicants who have satisfied all requirements of the Act and this Part.
- b) The Board shall designate the times and places of all examinations under the Act, shall have the University advertise the same according to the provisions of the Act law, and shall arrange for the conduct of such examinations.
- c) The Board shall request that arrange for an adequate supply of the examination questions from the American Institute of Certified Public Accountants (hereinafter referred to as "AICPA") to be delivered to examination sites and placed in a secure location until time for use at the examinations as advertised.
- d) The Board shall determine receive the grades of all candidates who have taken the examinations under this Act and shall certify to the President of the University the names of the candidates who attain passing grades and satisfy the other qualifications prescribed by the Act and this Part.
- e) The Board shall receive all applications for the certified public accountant E-P-A- certificate filed under Section 5 of the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall certify to the President of the University the names of the applicants whose qualifications have been determined by the Board to who comply with the provisions of this Part Section.
- f) The Board shall receive all applications for the certified public accountant E-P-A- certificate filed under Section 1400.160(d) of this Part, shall examine all evidence submitted in support of or in opposition to such the applications, and shall certify to the

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President of the University the names of the applicants whose qualifications have been determined by the Board to comply with the provisions of the Act and this Part.

- g) The fees collected under this Part will be deposited with the University and the University shall be responsible for payment of all expenses incident to this Act. The Executive Director shall certify all statements of expenses and fees of the Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.30 Appointment to of the Board of Examiners

The members of this Board of Examiners, having the qualifications as specified in Section 2 of the Act, shall be nominated as provided in Section 1400.50(c)(3). The nominations shall be forwarded to the President of the University who shall forward them to the University of Illinois Board of Trustees (hereinafter referred to as the "Board of Trustees").

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.40 Board Address

- a) The mailing address of the Board is:

Board of Examiners
Room 216
505 E. Green Street
Champaign, Illinois 61820-5723
University of Illinois
19-Henry Administration Building
596-S-Wright Street
Urbana 61801

- b) The location of the Board Office where the Board's rules are available for inspection and copying and where the Board posts notices of Board and Board Committee meetings are posted pursuant to the Open Meetings Act [5 ILCS 120] at is:
Room 216
505 E. Green
Room-216
Champaign, Illinois 61820-5723

- c) The Board's telephone number, at which the public may request information on the examination, including an application to sit for the examination, dates of the examination, the location where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-1565.
- d) The Board's fax number, through which the public may submit written requests for information on the examination, including an application

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to sit for the examination, dates of the examination, the locations where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-3126. PLEASE NOTE: A candidate may not submit an application to sit for the examination via fax.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.50 Organization and Compensation of the Board of Examiners

a) The Board shall annually elect a Chair and a Vice-Chair as officers of the Board, to serve a one year term from August 1 through July 31 of the following year, as follows:

1) On or before August 1 of each year, ~~members-of-the~~ Board members who have been duly appointed pursuant to Section 2 of the Act to serve during the subsequent year will meet to elect from among the Board members a Chair and Vice-Chair.

2) The nominating committee created under subsection (c)(3) of this Section shall propose one nominee for Chair and one nominee for Vice-Chair. The recommendations of the nominating committee shall be forwarded to each member ~~of-the-Board~~ by June 1 of each year.

3) Nominations in addition to those made by the nominating committee may be made by any three Board members at or before the meeting at which the officers shall be elected.

4) The only first order of business at the meeting shall be the election of the Chair and Vice-Chair. The meeting shall be presided over by the previous year's Vice-Chair, or such other Board member as the Board may agree upon.

5) If only one person is nominated for an office, election may be by voice vote. If more than one person is nominated, election shall be by secret ballot. In order to be elected Chair or Vice-Chair, a Board member must receive no fewer than five 5 votes.

b) Duties of Chair, Vice-Chair and Board Members; Removal

1) The Chair shall preside at all Board meetings, shall prepare an agenda for Board meetings, shall assign Board members to serve at the times and examination sites as necessary for each examination, and shall serve as Officer-in-Charge of an the examination site during such examination. The Chair will make appointments as indicated in subsection (c) of this Section and shall supervise the activities of the Executive Director in accordance with the Board directives and policy.

2) The Vice-Chair shall preside at Board meetings in the absence of the Chair, shall serve as Chair during any term of disability of the Chair, shall serve the remainder of the term in the event of the death, resignation or removal of the Chair, and shall serve during each examination as Officer-in-Charge of an examination

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site other than the site at which the Chair serves.

3) Board members are expected to attend all Board meetings, to accept assignment by the Board Chair to attend all meetings of Board Committees, and to accept and fulfill the assignments by the Board Chair to attend and supervise examination sites unless otherwise prohibited from doing so under Section 1400.110 of this Part.

4) The Chair or Vice-Chair of the Board may be removed from his or her position as an officer of the Board by the affirmative vote of six 6 Board members at any regular Board meeting or at any special Board meeting called for that purpose. Not less than 15 seven days written notice shall be given to each Board member of the intent to call for a vote to remove the Chair or Vice-Chair from his/her office.

5) Any Board member who misses three consecutive Board meetings, or four or more consecutive Board and/or Board Committee meetings, without an excuse reasonably acceptable to the Chair, shall be subject to removal by the Chair ~~considered-to-have-resigned~~ ~~his/her-position-on-the-Board~~. For the purposes of this subsection (b)(5), failure to fulfill an assignment by the Chair to attend and supervise an examination site shall constitute a failure to attend a Board meeting for each day or portion of a day missed. The Chair shall accept as an excuse such reasons as illness of the Board member, serious illness or death of a family member, unavoidable conflict with other professional commitments, and other reasons which make it highly difficult ~~or-impossible~~ for a Board member to fulfill his/her obligations. A Board member's previous attendance record may be considered by the Chair in determining the reasonableness of an excuse offered by the Board member. Any Board member removed by operation of this subsection (b)(5), or whose excuse for failure to attend a Board meeting or Board committee meeting is not reasonably accepted by the Chair, may appeal to the full Board. In the event of such an appeal, in order to uphold the Chair's determination and/or removal of a Board member, the Board must affirm the determination or removal by an affirmative vote of five Board members, of which the Chair may be one.

c) The Chair shall appoint the following committees:

1) An Administrative Committee, composed of three members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Administrative Committee is to review and make recommendations to the Board for changes in the Board rules and policies as may be appropriate or necessary. The Committee shall undertake additional responsibilities as delegated by the Board or the Board Chair.

2) A Finance Committee, composed of the Chair or Vice-Chair of the Board, and such additional member(s) as the Board or Board Chair may determine. The Board Chair or Vice-Chair shall serve

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as Chair of the Finance Committee. The function of the Finance Committee is to prepare and recommend a budget for Board approval, to make such recommendations for adjustment of fees as it deems necessary or appropriate, and to maintain oversight of the financial operations of the Board to ~~assure compliance with the Act~~, the Board's budget, applicable laws and regulations relating to financial issues, and any accounting procedures adopted by the Board.

- 3) A Nominating Committee, composed of the immediate past Chair, two members of the current Board and two former members of the Board. The function of the Nominating Committee shall be to nominate members to the Board to fill vacancies on the Board and to nominate officers for the Board as set forth in subsection (a)(2) of this Section. The Nominating Committee shall prepare its recommendations by April 1 of each year for nominations to fill the terms of Board members whose terms expire July 31 of that year. The Nominating Committee shall also meet at such other times as may be necessary to make nominations to fill positions that have been vacated due to the death, resignation or removal of a Board member. In carrying out its duties to nominate individuals to the Board, the Nominating Committee shall give preference to current Board members who are eligible for an additional term, unless the individual has requested that he/she not be reappointed. To avoid conflicts of interest and the appearance of conflicts of interest, before any person is nominated to the Board, he or she shall agree that from the time of appointment to the Board and for one year following termination of his or her Board service, the nominee will not participate in any capacity or have any interest in a CPA examination coaching or review course of any kind, and will not engage in any capacity or enter into any relationship that might involve or reasonably appear to others to involve a conflict of interest with his or her position as a Board member. The Nominating Committee will also consider recommendations from ~~consult with~~ past Board members and the professional associations of certified public accountants ~~leadership of the Illinois CPA Society~~ in developing its recommendations. The Nominating Committee shall nominate only that number of individuals as are needed to fill vacancies on the Board. The Nominating Committee shall forward its nominations to the President of the University, who shall forward the nominations to the ~~University~~ Board of Trustees.

- 4) A Candidacy Committee, composed of three ~~or more~~ members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Candidacy Committee will be to review questions that arise regarding qualifications of applicants for examination and requests from ~~applicants~~ candidates for a waiver or deferral under Section 2 of the Act,

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or for other relief under the Americans with Disabilities Act or similar laws, and determine the disposition of such petitions, subject to appeal pursuant to Section 1400.80 of this Part. The Candidacy Committee shall also make such recommendations to the Board for promulgation of rules or policies with regard to petitions for waiver or deferral under Section 2 of the Act, or under the Americans with Disabilities Act ~~ABA~~ or similar laws, as it deems appropriate.

- 5) ~~A State Liaison to provide liaison between the Board and such other professional associations of certified public accountants as the Board shall deem appropriate regarding current issues in the accounting profession.~~
- 6) ~~5) Such other committees as the Chair or Board shall deem to be necessary to carry out the duties and responsibilities of the Board.~~
- 7) ~~6) Except as may be specifically authorized by the Board or by these regulations, the actions of any Committee shall be advisory only and are subject to approval or rejection by the Board.~~
- d) Board and Committee Meetings
 - 1) Board meetings shall be at such times, dates and places as may be determined by:
 - A) the Board, which shall at its meeting at which officers are elected, establish dates for the following year at which regular meetings of the Board shall take place;
 - B) call of the Board Chair, a notice of which shall be communicated to all Board members not less than 15 ~~14~~ days prior to the date of the meeting, except as provided in subsection (d)(1)(D) below, and which notice shall specify the subject or subjects to be discussed;
 - C) call of any three Board members, a notice of which shall be communicated to all Board members not less than 15 ~~14~~ days prior to the date of the meeting, except as provided for in subsection (d)(1)(D) below, and which notice shall specify the Board members calling for such meeting and the subject or subjects to be discussed; or
 - D) on an emergency basis by the Chair or any three Board members, on less than 15 ~~14~~ days notice, in which case notice shall be given not less than 48 hours before the meeting and shall specify the Board member(s) calling for such meeting and the specific subject or subjects to be discussed and the emergency which is the basis for calling a meeting under the provisions of this subsection (D).
 - 2) For the purpose of notice required by subsection (d)(1) above, such notice may be waived by unanimous consent of all Board members, reflected by a written statement signed by all Board members and placed in the official minutes of the meeting.
 - 3) Committee meetings may be called by the Board Chair, the Committee Chair, or by a majority of the members of any

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Committee. Notice of the time, date and place of a Committee meeting, and the subjects to be discussed, shall be communicated to all Committee members and the Chair of the Board not less than 15 14 days prior to the date of the meeting. Notice may be waived by unanimous consent of all Committee members, which shall be reflected by a written statement signed by all Committee members and placed in the official minutes of the meeting.

- 4) Any actions taken at a meeting for which notice fails to comply with the notice requirements of this Section shall be void and of no effect.
- 5) A quorum of the Board necessary to conduct the business of the Board shall be five members. Action of the Board, except as specified in subsection (a)(5) of this Section, shall be by a majority vote of those present at the Board meeting.
- 6) A quorum of any Board Committee shall be a majority of the members appointed to the Committee. Committee action shall be by a majority of Committee members present, except as may be specified by the Board Chair or Committee Chair in the case of delegation of specific Board authority to a Committee.
- 7) At all Board and Committee meetings except hearings conducted under the provisions of Section 1400.80 of this Part, any Board member may designate another Board member to vote as his or her proxy on his or her behalf on any issue before the Board. To be valid, such designation must be in writing and signed by the Board member so designating, and shall clearly set forth the extent of the grant of authority, the specific issue or issues that the grant of authority applies, and any limits or restrictions that the grant of authority is subject to. The Board member receiving the proxy authority may, if present, exercise any or all authority granted under the terms of the proxy or may choose to decline exercise of all or any portion of such authority.
- 8) For purposes of this Part, any Board member will be considered present at any meeting of the Board or Board committee, except hearings conducted under the provisions of Section 1400.80 of this Part, if he or she is physically present, has given his or her valid proxy to a Board member who is otherwise present, or takes part in the meeting and deliberations by teleconference and/or video conference.
- 9) In compliance with the Open Meetings Act [5 ILCS 1201]. The Executive Director shall publish notice of all meetings of the Board and Board Committees by posting a notice and agenda thereof at the Board Office.
- e) Members of the Board of Examiners shall be reimbursed for travel according to the rates approved by the Higher Education Travel Control Board of Illinois (80 Ill. Adm. Code 2900) and other necessary expenses and shall receive an honorarium as follows for conducting each examination and for all other services rendered in performing the

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duties imposed upon them by the Act: Board Chair and Vice-Chair, \$4,908 chairman--and--vice-chairman--\$4,908; Other members, \$4,345. \$4,908 Both of the foregoing figures will both--to be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers. Deputies of the Board will receive an honorarium of \$1,629 \$1,629 for conducting each examination and expenses incurred in connection with the examination. The Deputy honorarium is also to be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.55 Admission to the Examination; Issuance of Reciprocal Certified Public Accountant CPA Certificates

a) The Executive Director, on behalf of the Board, shall:

- 1) issue a letter of admission to the examination to any applicant candidate who has timely filed an application along with the required fee and evidence of compliance with all requirements of the Act and this Part;
- 2) issue a certificate as a certified public accountant to any individual who holds a valid, unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States, or the District of Columbia, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5 of the Act;
- 3) issue a certificate as a certified public accountant to any individual who holds a foreign designation, granted in a foreign country, entitling the holder thereof to engage in the practice of public accounting, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5.1 of the Act.
- b) In cases in which the Executive Director has denied an application under subsection (a)(1), (2), or (3) of this Section, and in cases in which an applicant requests special consideration under any other provision of the Act or this Part, or under any other applicable law, the Executive Director shall refer the case to the Candidacy Committee established under Section 1400.50(c)(4).
- c) The Candidacy Committee shall review all applications referred to it under Section 1400.50(b), including all documents and evidentiary exhibits submitted by the applicant, within 15 19 days after receipt of requests for special consideration by the Executive Director.
- d) The Candidacy Committee may, in cases in which expert testimony is submitted by an applicant, require that an applicant undergo evaluation by an expert retained by the Board, at the Board's expense.

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The evaluation shall be at a time and place reasonably convenient to the applicant. A copy of the results of the evaluation shall be made available to the applicant upon the applicant's request.

- e) A vote of a majority of the two members of the Candidacy Committee shall be necessary to take any action. The Executive Director shall advise each applicant by mail, to the address listed on the application, within 15 seven days after the determination by the Candidacy Committee.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.60 Filing of the Application and Payment of Fees

- a) Applicants for the examinations for the certified public accountant EPA certificate under the Act shall obtain an application from the Board Office listed in Section 1400.40(a) and (b). The applicants must file their applications with the Board together with official transcripts of academic records to establish their eligibility. The proper fee as authorized in Section 6 of the Act must accompany each application for examination, re-examination, reciprocity and transfer of examination grades. The schedule of fees is shall be as follows:

- | | |
|---|----------------|
| 1) Candidate writing for the first time | \$300 \$260-00 |
| 2) Candidate transferring conditional credit from another jurisdiction | \$300 \$260-00 |
| 3) Candidate for re-examination in all subjects | \$300 \$260-00 |
| 4) <u>Candidate writing-three-half-day-sessions</u> | \$230 \$230-00 |
| 4)5) Candidate writing two half-day sessions | \$240 \$210-00 |
| 5)6) Candidate writing one half-day session | \$215 \$105-00 |
| 6)7) Candidate from another jurisdiction being proctored in Illinois | \$140 \$125-00 |
| 7)8) Application for certificate under Section 5 of the Act | \$300 \$260-00 |
| 8)9) Application for certificate by complete transfer of examination grades pursuant to Section 1400.160(d) | \$300 \$260-00 |
| 9)10) Fee for certification of valid Illinois certified public accountant certificate | |
| EPA-certification or duplicate certified public accountant EPA certificate | \$30 \$25-00 |
| 10)11) Fee for foreign credentials evaluation | \$200 \$175-00 |
| 11)12) Application fee | \$75 \$75-00 |

- b) The Board shall establish and collect a fee of \$.25 per page for letter and legal size copies as reimbursement for the cost of production, handling and shipping of lists and mailing labels of the names and addresses of successful candidates and lists of names and

addresses of applicants for examinations released as public information under the provision of Section 2 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.70 Rebate of Fees

- a) Fifty percent only of the prescribed fee shall be returned to any applicant whose credentials have been submitted and examined but who is found not qualified to take the examination.
- b) Fifty percent only of the prescribed fee shall be returned to any applicant who fails to attend the examination provided notification that the applicant will not be present is received in writing by the Board at least 30 thirty-calendar days prior to the beginning of the examination.
- c) No fee shall be returned to any applicant who is present at the examination and withdraws for any reason after the beginning of the examination.
- d) The fee paid by a candidate from another jurisdiction who is being proctored in Illinois shall be non-refundable.
- e) In hardship cases, where applicants for the examination are prevented from attending for such reasons as unexpected illness, death in the immediate family, or call to active duty in the military service, fifty percent only of the fee may be returned provided that under the circumstances it was not reasonable possible for the applicants to notify the Board at least 30 thirty-calendar days prior to the beginning of the examination that they could not be present. Requests under this Section must be accompanied by proof of the hardship (i.e., doctor's verification, death certificate obituary--notice, copy of military orders, etc.).
- f) Fifty percent only of the prescribed fee shall be returned to applicants for certificates under the provisions of Section 5 of the Act or Section 1400.160(d) whose credentials have been submitted and examined but who are found not qualified for the Illinois certified public accountant EPA certificate.
- g) All other fees both the proctoring fee and the foreign-evaluation fee are non-refundable.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.80 Appeals; Hearings

- a) An individual whose application or request is denied by the Candidacy Committee may, within 15 14 days after the mailing of notice of a denial or acceptance with modifications of his or her application, appeal to the Board by filing therewith a petition for hearing.

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1) The petition for hearing must be postmarked not later than 15 ~~14~~ days after the postmark of the notice of denial or acceptance with modifications.

2) The petition for hearing need not be in any particular form, but shall include the name of the petitioner, the nature of the application or request which was denied, and the specific grounds on which the individual seeks to have the determination of the Candidacy Committee overturned.

b) A candidate charged with misconduct pursuant to Section 1400.105 of this Part, or any person charged with violation of the confidentiality provisions of Section 1400.110 of this Part, may, within 30 days following the date notified of the charge, file a petition for hearing before the Board to contest the charge and/or to present evidence and argument requesting leniency in imposition of penalties.

c) All petitions for hearing, if filed in accordance with subsection (a) or (b) of this Section, shall be heard by the ~~full~~ Board, except the members of the Candidacy Committee and any member of the Board who has brought the charge which is the subject of a hearing under subsection (b), and any member of the Board who is a substantive witness at such hearing ~~who took part in decisions with regard to the particular candidate who is the petitioner in the appeal shall be excluded from voting. If a petition for hearing fails to comply with subsection (a) or (b), as applicable, the Board shall deny the petition and notify the petitioner of the denial and the grounds therefor within 15~~ ~~10~~ days. Individuals whose petitions have been denied for failure to comply with subsection (a) or (b) as applicable, may appeal that denial by filing a written petition in compliance with subsection (a), in which case the Board shall review and make a determination of the adequacy of the original petition based solely on written evidence submitted.

d) All hearings ~~the hearing~~ shall be considered a "de novo" hearing, and neither the Board nor the parties shall be limited to presenting or considering evidence that was previously presented ~~to the Candidacy Committee. In hearings under subsection (a), the burden of proving facts which entitle the petitioner to the relief requested, and of establishing an adequate legal basis for the relief requested, shall be on the petitioner, who must sustain the burden of proof by a preponderance of the evidence. At a hearing to contest the validity of charges under subsection (b), the burden of proving the charge shall be on the accuser, who shall be required to prove the charges by a preponderance of the evidence.~~

e) Notice of Hearing. Upon receipt of a timely and sufficient ~~valid~~ petition, the Board shall notify the petitioner of the time, date and place of hearing, ~~the legal authority and jurisdiction for the hearing~~ and reference to the substantive and procedural rules which will govern the hearing. The notice shall be sent by certified mail to the petitioner at the address shown on the petition not less than 15 ~~10~~ days prior to the date of the hearing.

f) Continuances.

1) Within seven ~~five~~ days after the receipt of the notice of hearing, a petitioner may request a continuance of the hearing. The request must reach the Board Office not later than five ~~three~~ days prior to the scheduled hearing date. The hearing officer shall reject a request for continuance unless the petitioner shows good cause why he or she cannot attend and present his or her case at the time, date and place indicated in the notice of hearing.

2) The hearing officer may order a continuance of any hearing at any time, whether or not any evidence has yet been presented, as may be necessary to further the interests of justice and fairness.

g) In the event a petitioner fails to appear, the Board may affirm the decision which is the subject of the appeal of the Candidacy Committee without further proceedings.

h) All hearings shall be presided over by a hearing officer who shall be the Board Chair, or in his or her absence, or if the Board Chair is the person bringing a charge that is the subject of a hearing under subsection (b), or at the discretion of the Board Chair, a Board member who is an attorney licensed to practice in this State or any other attorney licensed to practice in this State as may be appointed by the Board Chair. The hearing officer shall have the duty to insure a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing officer shall have all powers necessary to these ends, including but not limited to:

- 1) ruling upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- 2) regulating the course of the hearings and conduct of the parties and their counsel therein; and
- 3) interrogating witnesses.

i) Petitioner may represent himself or herself at the hearing, or may be represented by an attorney licensed to practice in the State. The Petitioner shall notify the Board, not less than five business days prior to the hearing, of the names and roles of all persons appearing before the Board on behalf of the Petitioner. The decision of the Candidacy Committee in an appeal brought under subsection (a) of this Section, shall be presented ~~represented~~ by the Executive Director, a member of the Candidacy Committee who took part in decisions with regard to the particular applicant ~~candidate~~ who is the petitioner in the appeal, or by an attorney licensed to practice in this State. A charge heard under subsection (b) of this Section shall be presented by the Executive Director or his or her designee, or by a Board member who has made the charge, or by an attorney licensed to practice in this State.

j) The sequence to be followed in hearings is as follows:

- 1) The ~~party~~ bearing the burden of proof ~~petitioner~~ shall make a brief opening statement of his/her case, indicating the issues

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intended to be addressed, the facts sought to be established, and the action being requested of the Board. The opposing party Candidacy-Committee may make an opening statement, indicating the basis of its decision and the issues upon which its decision was based.

- 2) The party bearing the burden of proof petitioner may present evidence and witnesses, after which the opposing party Committee may present evidence and witnesses. Following each witness, the other opposing party may cross-examine the witness, and thereafter members of the Board and/or the hearing officer may question the witness.

1) At the conclusion of the hearing, including any continuance thereof, the Board shall deliberate in a closed meeting and, within 15 to 10 days after the hearing, notify the petitioner and the petitioner's attorney, if represented by an attorney, by certified mail of its decision. In a hearing under subsection (a) of this Section, the determination of the Candidacy Committee shall be upheld unless the Board shall overrule it by a vote of a majority of Board members present, not less than four Board members, not including Board members excluded because of participation on the Candidacy Committee. In a hearing under subsection (b) of this Section, a vote of a majority of the Board present and voting shall be necessary to sustain a charge and/or to impose penalties. The determination of the Board shall be final.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.90 The Educational Requirement

- a) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois Certified public accountant CPA examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not

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more than 6 semester hours shall be in business law. Candidates may apply to take the Certified public accountant CPA Examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

- b) Acceptable credit recognized by the Board is:

- 1) credit earned from a college or university which is a candidate for or is accredited by a regional accrediting association which is a member of the Commission on Recognition of Secondary Accreditation (CORSA), (COPAA), or Postsecondary Accreditation (COPSA), (COPAA), or the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB), or
 - 2) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB), or
 - 3) Association of Collegiate Business Schools and Programs (ACBSP).
- To be admitted to take the examination for the first time after January 1, 2001, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit including a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (b)(1) through (4) below. With each of the conditions listed below, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.

- 1) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.
- 2) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.
- 3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.
- 4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management

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accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.

- d) For all purposes above, the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.
- e) For structured course work in progress at the time of application, the Board must receive official verification by the application deadline that the course will be complete, including the final examination, before the start of the examination in which the applicant wishes to participate. For non-structured course work, such as correspondence courses, independent study, or CLEP, the course must be completed and the grade received 30 days in advance of the examination in which the applicant wishes to participate. In all cases, proof of satisfactory completion of all requirements must be received by the Board not less than 30 days prior to the scheduled date for mailing of examination grades as indicated on the examination papers.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.105 Examinations - Misconduct

- a) Misconduct is a serious matter and is strictly prohibited.
- b) The following actions will be considered misconduct:

- 1) Communication between candidates inside or outside the examination room, or copying another candidate's answer, while the examination is in progress.
 - 2) Communication with others outside the examination room while the examination is in progress.
 - 3) Substitution of a candidate by another person to sit in the examination room to write one or more of the examination papers.
 - 4) Possession of and/or reference to crib sheets, textbooks, or other material inside or outside the examination room while the examination is in progress.
 - 5) Divulging any specific content of the examination.
 - 6) Using or attempting to use any method, device, mechanism, scheme or communication while the examination is in progress for the purpose of or with the intent of gaining access to information to assist a candidate in answering questions on the examination.
 - 7) Failure to follow written or oral instructions regarding procedures and conduct of the examination.
- c) A candidate who is suspected of misconduct shall be permitted to finish an examination session, unless the Board member in charge of the site determines that to do so would otherwise jeopardize the fair and orderly conduct of the examination; however, a candidate suspected of misconduct may be moved to a segregated location for the remainder of the examination.
- d) A candidate charged with misconduct shall be notified by the Executive

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Director of the Board by notice mailed not more than 15 days following the examination, that a charge of misconduct has been made against him or her, and that a penalty specified in the notice will be imposed unless the candidate wishes to contest the charge and/or penalty. Failure to request such a hearing pursuant to Section 1400.80(b) shall result in entry of an order by the Board finding the candidate guilty of misconduct and imposing the penalty as specified in the notice to the candidate.

e) Penalties.

- 1) Any candidate found guilty of misconduct is subject, at the discretion of the Board and depending on the seriousness of the violation, to one or more of the following penalties:
 - A) disqualification from credit for the section of the exam that the misconduct took place or of the entire exam;
 - B) forfeiture of condition status;
 - C) a ban from retaking the exam for not less than two or more than five years.
- 2) Any other person found guilty of misconduct shall be referred to appropriate governmental and professional authorities in this and/or other jurisdictions for discipline against his or her certified public accountant certificate and/or license or other professional designation.
- 3) The enumeration of the penalties in this Section shall not preclude imposition of other penalties or liabilities as may be provided by civil or criminal laws.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1400.110 Examinations - Uniform Examination Examinations-----
Non-Disclosure - Security

The Board makes use of the Uniform CPA Examination prepared by the AICPA. In accordance with the requirements of the Uniform Examination, the CPA examination is a will-become non-disclosed effective-with-the-May-8-97-1996 administration---All-applicants-will-be-asked-to-sign-a-non-disclosure statement-and-abide-by-the-security-procedures-developed-for-this-type-of examination.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.115 Examinations - Required Confidentiality Statements

Every person who will, at any time during the examination process, have access to the examination questions shall, prior to the time he or she is given access, comply with the following:

- a) Applicants. Each applicant for admission to the examination shall

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include, with his or her application to sit for the examination, a confidentiality statement separately signed by the applicant, in substantially the following form:

"I agree to keep confidential and not disclose in any manner whatsoever, in whole or in part, any information concerning the Uniform CPA Examination questions or content that I acquire as a result of taking the examination. I acknowledge that this information is valuable property belonging to the American Institute of Certified Public Accountants that will be disclosed only to candidates who sit for the Uniform Certified Public Accountant Examination. I understand that any breach of the confidentiality or non-disclosure requirements of the examination may result in expulsion from the examination, disqualification from taking the examination for up to five years from the date of the breach, and voiding of any grades received. I understand that a breach will also constitute an infringement of the copyright of the American Institute of CPAs, which will entitle the AICPA to injunctive relief and may also subject me to additional civil penalties including but not limited to monetary damages and attorneys fees."

Failure or refusal of an applicant to sign and submit the statement with his or her application shall render the application incomplete and will result in refusal to accept the application.

b) Candidates. All candidates for the examination will be required, prior to the examination, to read and sign a confidentiality statement in substantially the following form:

"I hereby attest that I will not divulge the nature or content of any question or answer on this examination to any individual or entity, and I will report to the Board of Examiners any solicitations and disclosures of which I become aware. I will not remove, or attempt to remove, any Uniform CPA Examination materials, notes, or other unauthorized materials from the examination room. I understand that failure to comply with this attestation may result in invalidation of my grades, disqualification from future examinations, and possible civil penalties and liability."

Any examination booklet that does not include the signature of the candidate attesting to the above statement will render the candidate's examination null and void.

c) Board members. Every Board member who has access to the examination material shall, prior to being given access to the materials, sign a Confidentiality Statement agreeing that he/she will maintain the confidentiality and non-disclosed nature of the examination. The statement shall be in substantially the following form:

"I hereby agree and warrant that, except as necessary to carry out the duties and responsibilities as a Board member, I will not read the examination questions and will not permit any person, except candidates duly admitted to the examination and then only

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at the sanctioned time and location, and such other persons specifically authorized by the Board, to read the questions on the examination. I will not reveal the nature or content of any question appearing on the examination, or any examination procedures, to any individual or entity, and will report to the Board any solicitations or disclosures of which I become aware. I understand that the Uniform CPA Examination is owned and copyrighted by the AICPA and that the examination questions are confidential and subject to ownership right protection under law. I agree to cooperate with any security briefing, interview, or investigation conducted by the Board, the AICPA, or any other lawful authority. I hereby represent and warrant that I do not now nor will I in the future without explicit written permission of the Board and the AICPA:

- 1) publish any article or book or in any other way disclose or divulge any unpublished Uniform CPA Examination questions;
- 2) quote from any unpublished AICPA document prepared by its Board of Examiners or Examinations Division; or
- 3) engage in any activity or enter into any relationship that might involve or appear to others to involve a conflict of interest with my position as a Board member.

I also hereby represent and warrant that I do not now nor will I for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity in a CPA Examination coaching review course either as a business, as part of my professional practice, or at a university or college. I acknowledge that monetary damages may be inadequate to protect against breach of this confidentiality agreement, and I hereby consent to the granting of injunctive relief in favor of the Board or the AICPA enjoining breach of the agreements and warranties made herein without proof of actual damages."

d) Others. Each examination proctor, Board employee or agent and any other person who has access to examination material shall, prior to being given access to the materials, sign a Confidentiality Statement agreeing that he/she will maintain the confidentiality and non-disclosed nature of the examination. The statement shall be in substantially the following form:

"I hereby agree and warrant that I will not read the examination questions and will not permit any person, except candidates duly admitted to the examination and then only at the sanctioned time and location, and such other persons specifically authorized by the Board, to read the questions on the examination. I will not reveal the nature or content of any question appearing on the examination, or any examination procedures, to any individual or entity, and will report to the Board any solicitations or disclosures of which I become aware. I understand that the Uniform CPA Examination is owned and copyrighted by the AICPA and

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that the examination questions are confidential and subject to ownership right protection under law. I agree to cooperate with any security briefing, interview, or investigation conducted by the Board, the AICPA, or any other lawful authority. I hereby represent and warrant that I do not now nor will I in the future without explicit written permission of the Board and the AICPA:

- 1) publish any article or book or in any other way disclose or divulge any unpublished Uniform CPA Examination questions;
- 2) quote from any unpublished AICPA document prepared by its Board of Examiners or Examinations division; or
- 3) engage in any activity or enter into any relationship that might involve or appear to others to involve a conflict of interest with my employment as a proctor, employee or agent of the Board.

I also hereby represent and warrant that I do not now nor will I for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity in a CPA Examination coaching review course either as a business, as part of my professional practice, or at a university or college. I acknowledge that monetary damages may be inadequate to protect against breach of this confidentiality agreement, and I hereby consent to the granting of injunctive relief in favor of the Board or the AICPA enjoining breach of the agreements and warranties made herein without proof of actual damages."

e) Grandfather Clause. Any Board member appointed to the Board prior to July 1, 1996 who, on the effective date of these rules, participates in any capacity in a CPA Examination coaching or review course, may continue such activity notwithstanding the provisions of subsection (c) above. Such Board member shall not, however, participate in any examination or other Board activities in such a manner that he/she may have access to the examination questions.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1400.116 Examination - Violations

At any time any person reports to the Board information indicating that any person has violated the confidentiality provisions of Section 1400.115, the Board Chair shall appoint an investigator, who may be the Executive Director, a Board employee or any other person not a Board member, for the purpose of conducting a complete and thorough investigation. At the conclusion of the investigation, the investigator shall report to the Board, in writing, his or her conclusions with regard to the report of violation. If the investigator finds there is reason to believe a violation has taken place, or if the Board believes the investigator's report raises substantial issues that should be considered by the Board, the Executive Director shall notify the person

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charged. The person charged may, within 20 days, request a hearing before the Board under the provisions of Section 1400.80(b) to contest the charges. Such a hearing shall be conducted in accordance with the provisions of Section 1400.80. The Executive Director or his or her designee shall present the position of the investigator, and shall be required to prove a violation by a preponderance of the evidence. Failure of the person charged to file an appeal under Section 1400.80(b) shall result in presentation of charges and issues to the Board, and may result in findings by the Board, including but not limited to a finding that the person charged violated the confidentiality agreement, and imposition of penalties as provided in Section 1400.117.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1400.117 Examinations - Penalties for Violation of Non-Disclosure Provisions

Any person who violates the non-disclosure agreements set forth in Section 1400.115 above shall be subject to the following penalties:

- a) Applicants and candidates. An applicant or candidate who violates the provisions of the confidentiality statement required in Section 1400.115(a) and/or (b) shall be banned from sitting for the certified public accountant examination in this State for a period of not less than two years nor more than five years. If the violator sits for the examination, his or her examination shall be considered null and void, and any grades obtained by the violator shall likewise be considered null and void. The Board shall also forward the violator's name to the AICPA, the National Association of State Boards of Accountancy, and other state boards as appropriate, advising them of the violation and the penalty imposed by the Board. Any violator who sits for the examination in another state during the period of time he or she is banned under the provisions of this Section shall not be eligible for a reciprocal certificate under the terms of Section 5.1 of the Act.
- b) Board members. A Board member who violates the provisions of the confidentiality statement required in Section 1400.115(c) shall forfeit his/her position on the Board and shall forfeit the honorarium provided by Section 1400.50 for any examination at or in relation to which the violation takes place. The Board shall also forward the violator's name to the AICPA and all state societies to which he/she is a member, advising them of the member's possible violation of the organizations' ethics rules.
- c) Others. Examination proctors, Board employees, agents and others who violate the provisions of the confidentiality statement required in Section 1400.115(d) shall forfeit their position with the Board.
- d) Penalties Non-Exclusive. The penalties provided for in Section 1400.116(a) through (c) are in addition to any and all other penalties that may otherwise be provided by law. Nothing in these rules shall be construed to in any way limit other remedies, including but not

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limited to injunctive relief and liability for compensatory damages sustained by the Board, the AICPA or others.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1400.160 Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates

a) Grading Scale. The examination papers shall be graded on the scale of 100. The passing grade in each subject is 75. Grades shall be certified by the Board of Examiners to the University Committee. The list of successful candidates shall be certified to the President of the University.

b) Condition Candidates.

- 1) A candidate under Section 2 of the Act may acquire condition in the subject or subjects failed by:
 - A) passing any two subjects; and
 - B) obtaining a grade of not less than 50 in each subject failed.

2) Candidates who achieve condition standing shall be credited with the subject or subjects in which they received passing grades and may, upon application and the payment of the required examination fee, appear for re-examination in the subject or subjects failed at:---prior-to-1994--any--three--of--the--six--examinations--next succeeding--the--examination--at--which--they--qualified--for--such partial-re-examination--and-effective-May-1994 any of the six examinations next succeeding the examination at which they qualified for such partial re-examination. When candidates present themselves for re-examination, they must write on all subjects in which they then have failing grades. To obtain credit for a subject or subjects passed upon any re-examination, condition candidates must obtain a grade of not less than 50 in each subject failed in any such re-examination.

3) If on re-examination, the candidates pass in the subject or subjects in which they previously failed, they shall be eligible for the certified public accountant EPA certificate; if they fail to pass the remaining subject or subjects within the time provided, they shall revert to the status of new applicants and shall be required to write the entire examination.

4) The time limitation within which a candidate is required to pass subjects under this rule shall not include any period during which the applicant serves in the armed forces of the United States.

5) The fee schedule for conditioned candidates shall be as stated in Section 1400.60 of this Part.

c) Transfer of Credits from Another State.

- 1) A person who has written as a candidate in another state and who

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has passed part of the examination in such other state may write as a condition candidate in Illinois:

- A) if the educational requirements of the Illinois statute have been met; and
- B) provided the applicant would qualify as a condition candidate if the examination in such other state had been written in Illinois.

2) A candidate who applies for a transfer of credits from another state shall pay the fee in force upon submission of the initial application to write as an Illinois candidate; thereafter the fee shall be the same as for other condition candidates.

d) Transfer of Credits by Candidate Who Has Passed the Examination in Another State.

- 1) A candidate who has passed the entire examination in another jurisdiction, or has passed a portion of the examination equivalent to the entire Illinois examination, but who is ineligible to obtain a certificate from such other jurisdiction may transfer the credits and receive a certificate in Illinois provided:
 - A) the educational requirements of the Illinois statute have been met; and
 - B) the applicant would be entitled to an Illinois certificate if the examination had been written under the Illinois statute and rules.

2) The fee in force must accompany the application for a transfer of credits for the entire examination.

3) Transfer of credits shall be accepted if the applicant wrote all subjects on the initial examination, and:

- A) passed all subjects, or
- B) before May 1994, passed Practice or any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within three of the next six succeeding examinations, or
- C) after May 1994, passed any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within the six next succeeding examinations.

e) Certificates by Reciprocity.

- 1) The University, upon recommendation of the Board, shall issue a certificate as a certified public accountant, without examination:

- A) To any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia provided all requirements of Section 5 of the Act and this Part have been met, or
- B) To any foreign accountant who has passed the United States or American Institute of Certified Public Accountants (AICPA) uniform qualifying examination for that jurisdiction

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- 1) a failing grade is increased to 75 or higher; or
2) a failing grade is increased to the minimum grade required on sections failed to retain credits for sections passed.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1400.180 Certified Public Accountant G-P-A- Certificate-Awarding

Each candidate who satisfies all the requirements and is duly certified as above required, shall receive a certificate designating the recipient as a Certified Public Accountant. This certificate shall be issued in the name of the University, and shall be signed by the Board and the President of the University, the Secretary of the Board of Trustees and, when issued on the basis of examination, by members of the Board of Examiners.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.190 Retention of Records

- a) The Board shall preserve for a period of five years all applications submitted by candidates for the Certified Public Accountant G-P-A- examinations and all supporting documents and correspondence relating to the application; shall maintain a permanent record for each applicant admitted to the examinations, which contains information concerning the date and place of the examinations, the grades received, the condition status of candidates qualifying under Section 1400.160, the certificate number and date of issuance for candidates qualifying under Section 2 or Section 5 of the Act, and any other information which the Committee considers appropriate; and shall maintain a registry of the names, certificate numbers, and dates of issuance for all persons receiving the Illinois certificate either on the basis of the written examinations or on the basis of reciprocity.
b) The Board shall arrange for retention of the examination papers of candidates on file for a period of ninety days following the release of the results of the examination.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.210 Granting Variances

The Board may grant variances from these rules in individual cases where it finds:

- a) the provision from which the variance is granted is not statutorily mandated;
b) no party will be injured by the granting of the variance; and

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- 2) The fee in force shall be payable by the applicant at the time of filing of the application for a certified public accountant CPA certificate by reciprocity.

- f) Out of State Candidates.

Applicants who have been approved as candidates in other jurisdictions shall be allowed to write the examination in Illinois provided the proctoring has been requested and authorized by the boards or officials responsible for administering the examinations in such other jurisdictions. The applicants shall remit non-refundable proctoring fees as prescribed in Section 1400.60 prior to deadlines established by the Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1400.175 Candidate Request for Grading Review

The grading and review of all candidate papers are subjected to very high quality controls, and all failing papers near the passing grade are reviewed for accuracy at least twice by two different experienced graders prior to release of the grades. A grade review rarely results in a grade change. The Board nonetheless makes available to all candidates an opportunity to request a special review of their answer papers to verify the accuracy of the grading process.

- a) All requests for a grade review must be submitted to the Board no later than 30 days after the grades are mailed to the candidate's address as it appears on the application or as updated by the candidate at the time of the examination.
b) The request for review must state the candidate's name, address, and the section or sections of the examination the candidate wishes to have reviewed.
c) The request for review must be accompanied by a check, payable to the National Association of State Boards of Accountancy, in the amount of \$50 each for the sections on Business Law & Professional Responsibilities, Auditing, and Financial Accounting and Reporting, and \$30 for the section on Accounting and Reporting.
d) Upon timely receipt of a sufficient request for grading review, the Board will forward the request to the AICPA. The AICPA shall perform a review on the candidate's examination by:
1) conducting a manual verification of the accuracy of the objective answer scores;
2) conducting an independent verification of the original scoring of the essay or other problem solutions by a technical manager who did not participate in the original grading of the questions; and
3) retabulating the total score.
e) The candidate shall be notified by the AICPA of a "no change" unless:

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c) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Collections and Recoveries

2) Code Citation: 89 Ill. Adm. Code 165

3) Section Numbers: 165.104
Proposed Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.L. 104-193

5) Complete Description of the Subjects and Issues Involved: Currently, if a debtor has failed, for 90 days, to make regular installment payments to retire an overpayment according to the repayment schedule and a balance due is outstanding, the Department may take any or all of the actions described in 89 Ill. Adm. Code 165.104. Section 844 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) requires the Department to collect an overissuance of Food Stamp benefits issued to a household by withholding amounts from a household member's unemployment compensation. In accordance, these proposed amendments add the referral of the overpayment to the Illinois Department of Employment Security for offset of a percentage of Unemployment Insurance Benefits to these provisions.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days

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after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 165
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section	
165.1	Incorporation By Reference
165.10	Overpayments
165.20	Determination of Financial Assistance Overpayments
165.30	Types of Food Stamp Overpayment Claims
165.40	Determination of Food Stamp Overpayments
165.42	Establishment of Claims for Food Stamp Overpayments
165.50	Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section	
165.70	Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (ABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

Section	
165.80	Initiating Collection from Currently Participating Households
165.82	Methods of Food Stamp Claim Repayment
165.84	Determination of Monthly Benefit Reduction Amount
165.86	Failure to Respond to Initial Demand Letter
165.88	Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section	
165.100	Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
165.102	Demand for Repayment
165.104	Methods of Involuntary Repayment
165.106	Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

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SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section 165.104 Methods of Involuntary Repayment

If the debtor has failed, for ninety-t 90 days, to make regular installment payments to retire the overpayment according to the repayment schedule and a balance due is outstanding, the Department may take any or all of the following actions to collect the overpayment:

- a) Initiation of wage garnishment proceedings, if the overpayment was established by a civil judgment and the Department determines that the debtor is employed.
- b) Referral of the overpayment to a private collection agency for collection.
- c) Referral of the overpayment to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act, [15 ILCS 405/10.05] ~~§§11-Rev--Stat--1985-CH--157-PAR--210-057~~.
- d) Initiation of proceedings to obtain a civil judgment under Section 8A-6 of the Illinois Public Aid Code [305 ILCS 5/8A-7] ~~§§11-Rev--Stat--1985-CH--237-PAR--8A-77~~.
- e) Referral of the overpayment to the Internal Revenue Service for deduction of the debt from tax refunds in accordance with federal guidelines.
- f) Referral of the overpayment to the Illinois Department of Employment Security for offset of a percentage of Unemployment Insurance Benefits to satisfy a debt owed to the Department in accordance with federal guidelines.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Proposed Action:
153.100 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments concerning payments for long term care services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels.

The proposed amendments also reassign the \$.10 emergency dental services add-on which has been in effect since December 1, 1995. This add-on was necessary because the State's budget plan for fiscal year 1996 called for cost containment measures in several areas of the Department's medical assistance program and coverage for some optional Medicaid funded care, including dental services, was eliminated for recipients age 21 or over. However, coverage was restored for emergency dental services for adults in January 1997. Therefore, for nursing facilities, the Department is reassigning the \$.10 emergency dental add-on to the per diem for care planning, increasing the amount from \$.35 to \$.45. These changes regarding nursing facilities have been proposed in 89 Ill. Adm. Code 147.205 and were published on May 16, 1997, at 21 Ill. Reg. 6033. Additionally, the Department of Mental Health and Developmental Disabilities, which is responsible for the ICF/MR program, is reassigning the \$.10 emergency dental add-on to the per diem for prophylaxis treatment and periodontal services, increasing the amount from \$.30 to \$.40. These changes pertaining to ICF/MR facilities have been proposed in 89 Ill. Adm. Code 144, and were published on May 16, 1997, at 21 Ill. Reg. 3042.

These proposed amendments are not expected to result in any budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Section 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:

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None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
 LONG TERM CARE REIMBURSEMENT CHANGES

Section 153.100 Reimbursement for Long Term Care Services
 153.125 Long Term Care Facility Rate Adjustment
 153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 153.100 Reimbursement for Long Term Care Services

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon

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- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC, need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.
- l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but can still be affected by the provisions of subsection (d) of this Section.

For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the HSA in which the home is located.

- m) If a non-profit facility changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change
- n)

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of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the HSA median tax rate in effect for the month in which the real estate tax becomes effective.

o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).

p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.

q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility meeting all criteria specified in 89 Ill. Adm. Code 147.300 through 147.345.

r) The flat per diem paid to ICFs/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 144.275 and 144.300 will be increased from \$.30 to \$.40. An add-on of \$.40 per resident-day will be paid for emergency dental services, including services needed to treat an episode of acute pain in the teeth, gums or palate, broken or otherwise damaged teeth, or any other problem of the oral cavity appropriately treated by a dentist, that requires immediate attention. Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.

t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.

u) The add-on to the final nursing rate for care planning identified in 89 Ill. Adm. Code 147.205 will be increased from \$.35 to \$.45. This Section shall be automatically repeated effective June 30, 1997.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Certificates of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number: Proposed Action
1010.420 Amendment
1010.421 New Section

4) Statutory Authority: Authorized by Ch.3 and Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch.3 and 2-104(b)]

5) A Complete Description of the Subjects and Issues Involved: Clarifies permissible locations for temporary permits on vehicles. Implements new accountability procedures for the issuance of temporary permit books to dealers, remittance agents, and currency exchanges.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other amendments pending on this Part? 21 Ill. Reg. 4406, 4/11/97

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will affect vehicle dealers, remittance agents, and currency exchanges that distribute temporary permits.

B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are imposed, although procedures for the issuance of temporary permits may require

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modification if they do not meet accountability standards imposed by this rule. Currency exchanges will be required to submit an application to the Secretary of State to issue temporary permits.

- C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendment appears on the following page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
Salvage Certificate--Assignments and Reassignments
Exclusiveness of Lien on Certificate of Title
Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
Transferring Certificates of Title Upon the Owner's Death
Repossession of Vehicles by Lienholders and Creditors
Junking Notification

1010.120
1010.130
1010.140
1010.150
1010.160
1010.170

SUBPART C: REGISTRATION

Section
1010.210
1010.220
1010.230
1010.240
1010.250

Application for Registration
Vehicles Subject to Registration-Exceptions
Refusing Registration or Certificate of Title
Registration Plates To Be Furnished By The Secretary of State
Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300
1010.310
1010.320
1010.330
1010.350
1010.360

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
Improper Use of Evidences of Registration
Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
Operation of Vehicle Without Proper Illinois Registration
Suspension or Revocation
Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

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Section
 1010.410 Temporary Registration-Individual Transactions
 1010.420 Temporary Permit Pending Registration In Illinois
 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
 1010.425 Non-Resident Drive-Away Permits
 1010.426 Five Day Permits
 1010.430 Persons for Compensation and Tow Trucks
 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
 1010.450 Special Plates
 1010.451 Purple Heart License Plates
 1010.452 Special Event License Plates
 1010.453 Retired Armed Forces License Plates
 1010.454 Gold Star License Plates
 1010.455 Collectible License Plates
 1010.456 Sample License Plates For Motion Picture and Television Studios
 1010.457 Korean War Veteran License Plates
 1010.458 Collegiate License Plates
 1010.460 Special Plates for Members of the United States Armed Forces Reserves
 1010.470 Dealer Plate Records
 1010.480 State of Illinois In-Transit Plates

Section
 1010.510 Determination of Registration Fees
 1010.520 When Fees Returnable
 1010.530 Circuit Breaker Registration Discount
 1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

Section
 1010.610 Unlawful Acts, Fines and Penalties
 1010.620 Change of Engine

Section
 1010.705 Reciprocity
 1010.710 Vehicle Proration
 1010.715 Proration Fees
 1010.720 Vehicle Apportionment
 1010.725 Trip Leasing

SUBPART G: MISCELLANEOUS

SUBPART H: SECOND DIVISION VEHICLES

1010.730 Intrastate Movements, Foreign Vehicles
 1010.735 Interline Movements
 1010.740 Trip and Short-term Permits
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
 1010.755 Mileage Tax Plates
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19

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Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.420 Temporary Permit Pending Registration In Illinois

a) General Provisions

1) For the purpose of this Rule, Illinois Temporary Registration Permit (hereinafter referred to as Temporary Permit) shall refer to a temporary card issued issue or provided by the Secretary of State, which allows the operation of a vehicle after proper application has been made and fees received, until the receipt of registration plates and/or sticker.

2) The Secretary of State shall prescribe the form and content of the Temporary Permit. The Secretary of State shall issue the Temporary Permit and no other document shall be deemed a valid Temporary Permit. This provision shall in no way be construed as restricting the provisions of Section 3-401 of the Illinois Vehicle Code.

3) The Temporary Permit shall not be valid for more than 60 days (90 days for vanity and personalized plates) from the date of issuance, unless extended or reduced at the discretion of the Secretary of State. In exercising that discretion, the Secretary of State shall take into consideration the following factors:

A) The nature and type of application;
B) The availability of the registration plates and/or stickers applied for;

C) The processing time for the application;

D) Other relevant matters affecting the issuance thereof.

In any event, once the applied-for registration plates and/or stickers have been issued to and received by the applicant, the Temporary Permit is void.

4) The Temporary Permit must be displayed on the windshield of the vehicle for which it is issued as follows:

A) The Temporary Permit may be displayed in the lower left corner of the back window;

B) The Temporary Permit may be displayed in the lower left corner of the front window;

C) The Temporary Permit may be displayed in the lower right corner of the front window.

The Temporary Permit must be removed upon receipt of the registration plates and/or sticker. The Temporary Permit is not transferable from one person to another, nor from vehicle to vehicle.

5) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State shall issue, upon request,

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blank Temporary Permits to the following for completion by them:
A) All licensed vehicle dealers registered and in good standing with the Secretary of State; Each dealer may issue temporary permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed; All dealers shall maintain records of all temporary permits issued as prescribed in Section 5-401.2 of the Illinois Vehicle Code; Failure to do so could result in the denial, revocation or suspension of a dealer's license under Section 5-501 of the Illinois Vehicle Code.

B) All licensed remittance agents registered and in good standing with the Secretary of State; Each remittance agent may issue temporary permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State; A temporary permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for the renewal of a registration; The Secretary shall upon determination by any court proceeding or at an administrative hearing decline to issue such permits to any remittance agent or demand return of unused permits for violating any provision of the Illinois Vehicle Code; All Remittance Agents receiving such permits shall maintain records thereof as prescribed in Section 3-910 of the Illinois Vehicle Code; Failure to do so could result in the denial, revocation or suspension of a Remittance Agent's license under Section 3-906 and Section 3-907 of the Illinois Vehicle Code.

E) All investigators employed by the Secretary of State;
B) All licensed currency exchanges registered and in good standing with the Department of Financial Institutions; Each currency exchange may issue temporary permits only to persons whose applications the currency exchange accepts for transmittal to the Secretary of State; A temporary permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration; All currency exchanges receiving temporary permits shall maintain records of the issuance thereof reflecting the information contained in the temporary permit; The Secretary shall upon determination by any court proceeding or at an administrative hearing decline to issue temporary permits to any currency exchange who has committed any violation of the Illinois Vehicle Code or rule thereof for failure to keep records required hereby or for any other violation relating to the use or issuance of temporary permits.

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6) Any Temporary Permit issued by one of the above-named groups must also be issued in compliance with the following:

- A) Issued in numerical sequence as received from the Secretary of State;
- B) Issued only by the Dealer, Remittance Agent, Secretary of State, Police, employee, or Currency Exchange that received the Temporary Permit from the Secretary of State;
- C) Contain all of the information requested where applicable;
- D) Be notarized when issued by a Dealer, Remittance Agent, or Currency Exchange; When issued by the Secretary of State, it shall bear the signature of the employee issuing it and that person's division and department.

b) Newly Acquired Vehicles

A Temporary Permit to operate a newly acquired vehicle for which a valid application for title and registration has been filed accompanied with the proper fees, may be issued by or for the Secretary of State to the buyer of such vehicle, pending action upon said application.

c) Renewal Registrations

In the event that an individual fails to renew a registration plate or sticker upon expiration, a Temporary Permit may be issued only by a Secretary of State facility, or remittance agent, and only under the following circumstances:

- 1) The applicant presents to the facility proof of ownership of the vehicle through a title, preprinted application, I.D. Card, or through verification of some by the records of the Secretary of State.
- 2) The applicant presents payment of all fees due to the facility.
- 3) The renewal registration plates and/or stickers are not readily available at a financial institution, as defined in Section 1010.240 of this Part.
- 4) The appropriate registration stickers or registration plates are not immediately available at the facility.

d) Miscellaneous Provisions

The Secretary of State may also issue Temporary Permits only at official State of Illinois facilities in any of the following situations:

- 1) If an individual has made application for registration, either renewal or otherwise, prior to expiration and does not receive the registration by the expiration date. The individual must present proof thereof acceptable to the Secretary of State;
- 2) Any situation where the individual makes proper application for title and registration, or registration alone, and the Secretary of State is unable to issue the appropriate registration at that time.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State

a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may issue, upon request, blank Temporary Permits to the following for completion by them:

- 1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any dealer or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All dealers shall maintain records of all Temporary Permits issued as prescribed in Section 5-401.2 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a dealer's license under Section 5-501 of the Illinois Vehicle Code.

2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any remittance agent or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All Remittance Agents receiving such permits shall maintain records thereof as prescribed in Section 3-910 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a Remittance Agents license under Sections 3-906 and 3-907 of the Illinois Vehicle Code.

3) Currency Exchanges licensed by, and in good standing with, the Department of Financial Institutions. Currency exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permit books. Each Currency Exchange may issue Temporary Permits only to persons whose applications the Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All Currency Exchanges receiving Temporary Permits shall maintain records of the issuance thereof, reflecting the information contained in the Temporary Permit. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange who has committed any violation of the Illinois Vehicle

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Code or rule thereof, for failure to keep records required herein, or for any other violation relating to the use of issuance of Temporary Permits.

b) Issuers of Temporary Permits must be in compliance with the following:

- 1) Temporary permits shall be issued in numerical sequence as received from the Secretary of State;
- 2) Temporary permits shall be issued only by the Dealer, Remittance Agent, or Currency Exchange that received the Temporary Permit from the Secretary of State;
- 3) Temporary permits shall contain all of the information requested where applicable;
- 4) Temporary permits shall bear the name of the issuing entity and the signature of the issuing employee;
- 5) Issuers of Temporary Permits shall reimburse the Secretary of State \$50 per permit for lost, missing, stolen, or destroyed permits;
- 6) Issuers shall maintain copies of all Temporary Permits issued for a period of 3 years. When a second, or subsequent Temporary Permit is issued for the same vehicle, the original Temporary Permit must be attached to the duplicate of the replacement Temporary Permit. If the subsequent Temporary Permit is issued by a different issuer than the original Temporary Permit, the previous permit number and issuance date shall be recorded on the record copy of the subsequent Temporary Permit;
- 7) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all temporary permit books for which permits were issued, and all unissued Temporary Permits to the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received;
- c) The Secretary of State shall have free access to the offices and places of business to examine fully all temporary permit books, and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this Section.
- d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: Adopted Action: New
211.2285
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendment: June 17, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 6, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: January 3, 1997; 21 Ill. Reg. 329
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R96-17. The Board is proposing a definition for "feed mill" to correspond with amendments in 35 Ill. Adm. Code 201.146. The amendments to that Part exempt certain feed mills from State air emission permitting requirements.
- 16) Information and questions regarding this adopted rule shall be directed to:
Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312)814-4925

Copies of the Board's opinions and orders may be requested from the Clerk

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of the Board at the address above. Please refer to the Docket number R96-17 in your request.

The full text of the adopted amendments begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors Units

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.240	Adhesion Promoter
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt

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211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purged System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process

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211.1410	Condensate
211.1430	Condensible PM-10
211.1465	Continuous Automatic Stoking
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating

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211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2410	Fountain Solution
211.2430	Freeboard Height
211.2450	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2470	Fugitive Particulate Matter
211.2490	Full Operating Flowrate
211.2510	Gas Service
211.2530	Gas/Gas Method
211.2550	Gasoline
211.2570	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2590	Gel Coat
211.2610	Gloss Reducers
211.2630	Grain
211.2650	Grain-Drying Operation
211.2670	Grain-Handling and Conditioning Operation
211.2690	Grain-Handling Operation
211.2710	Green-Tire Spraying
211.2730	Green Tires
211.2750	Gross Heating Value
211.2770	Gross Vehicle Weight Rating
211.2790	Heated Airless Spray
211.2810	Heatset
211.2830	Heatset-Web-Offset Lithographic Printing Line
211.2850	Heavy Liquid
211.2870	Heavy Metals
211.2890	Heavy Off-Highway Vehicle Products
211.2910	Heavy Off-Highway Vehicle Products Coating
211.2930	Heavy Off-Highway Vehicle Products Coating Line
211.2950	High Temperature Aluminum Coating
211.2970	High Volume Low Pressure (HVLP) Spray
211.2990	Hood
211.3010	Hot Well
211.3030	Housekeeping Practices
211.3050	Incinerator
211.3070	Indirect Heat Transfer
211.3090	Ink
211.3110	

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211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MPMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer

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211.3960	Motor Vehicles	211.4790	Pneumatic Rubber Tire Manufacture
211.3965	Motor Vehicle Refinishing	211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.3970	Multiple Package Coating	211.4830	Polyester Resin Material(s)
211.3990	New Grain-Drying Operation (Repealed)	211.4850	Polyester Resin Products Manufacturing Process
211.4010	New Grain-Handling Operation (Repealed)	211.4870	Polystyrene Plant
211.4030	No Detectable Volatile Organic Material Emissions	211.4890	Polystyrene Resin
211.4050	Non-Contact contact Process Water Cooling Tower	211.4910	Portable Grain-Handling Equipment
211.4055	Non-Flexible Coating	211.4930	Portland Cement Manufacturing Process Emission Source
211.4065	Non-Heatset	211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4070	Offset	211.4970	Potential to Emit
211.4090	One Hundred Percent Acid	211.4990	Power Driven Fastener Coating
211.4110	One-Turn Storage Space	211.5010	Precoat
211.4130	Opacity	211.5030	Pressure Release
211.4150	Opaque Stains	211.5050	Pressure Tank
211.4170	Open Top Vapor Degreasing	211.5060	Pressure/Vacuum Relief Valve
211.4190	Open-Ended Valve	211.5061	Pretreatment Wash Primer
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	211.5065	Primary Product
211.4230	Organic Compound	211.5070	Prime Coat
211.4250	Organic Material and Organic Materials	211.5080	Primer Prime Sealer
211.4260	Organic Solvent	211.5090	Primer Surfacer Coat
211.4270	Organic Vapor	211.5110	Primer Surfacer Operation
211.4290	Oven	211.5130	Primers
211.4310	Overall Control	211.5150	Printing
211.4330	Overvarnish	211.5170	Printing Line
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.5185	Process Emission Source
211.4370	Owner or Operator	211.5190	Process Emission Unit
211.4390	Packaging Rotogravure Printing	211.5210	Process Unit
211.4410	Packaging Rotogravure Printing Line	211.5230	Process Unit Shutdown
211.4430	Pail	211.5245	Process Vent
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant	211.5250	Process Weight Rate
211.4470	Paper Coating	211.5270	Production Equipment Exhaust System
211.4490	Paper Coating Line	211.5310	Publication Rotogravure Printing Line
211.4510	Particulate Matter	211.5330	Purged Process Fluid
211.4530	Parts Per Million (Volume) or PPM (Vol)	211.5340	Rated Heat Input Capacity
211.4550	Person	211.5350	Reactor
211.4590	Petroleum	211.5370	Reasonably Available Control Technology (RACT)
211.4610	Petroleum Liquid	211.5390	Reclamation System
211.4630	Petroleum Refinery	211.5410	Refiner
211.4650	Pharmaceutical	211.5430	Refinery Fuel Gas
211.4670	Pharmaceutical Coating Operation	211.5450	Refinery Fuel Gas System
211.4690	Photochemically Reactive Material	211.5470	Refinery Unit or Refinery Process Unit
211.4710	Pigmented Coatings	211.5480	Reflective Argon Coating
211.4730	Plant	211.5490	Refrigerated Condenser
211.4740	Plastic Part	211.5500	Regulated Air Pollutant
211.4750	Plasticizers	211.5510	Reid Vapor Pressure
211.4770	PW-10	211.5530	Repair
		211.5550	Repair Coat
		211.5570	Repaired

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211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Prime Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argon Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired

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211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source

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211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid

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211.7190 Wash Coat
 211.7210 Wastewater (Oil/Water) Separator
 211.7230 Weak Nitric Acid Manufacturing Process
 211.7250 Web
 211.7270 Wholesale Purchase - Consumer
 211.7290 Wood Furniture
 211.7310 Wood Furniture Coating
 211.7330 Wood Furniture Coating Line
 211.7350 Woodworking
 211.7400 Yeast Percentage

APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 9141, 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590,

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effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7654, effective June 9, 1997.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.2285 Feed Mill

"Feed mill" means a source or equipment at a source that produces food, including premixes, supplements and concentrates, for animal (non-human) consumption from grain, grain byproducts, or alfalfa and other ingredients, without cooking, but not including wet or dry corn mills, soybean mills, flour mills and ethanol plants.

(Source: Added at 21 Ill. Reg. 7654, effective June 9, 1997.)

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- 1) Heading of the Part: Groundwater Quality
- 2) The Code Citation: 35 Ill. Adm. Code 620
- 3) Section Number:
 Amended Action:
 620.201 Amended
 620.250 Amended
 620.450 Amended
- 4) Statutory Authority: 415 ILCS 5/27, 28, 58
- 5) Effective Date of Amendment: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: June 5, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 2562; February 21, 1997
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: But for minor typographical revisions, no substantive revisions were made to the amendments to Part 620.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): The Board adopted on June 5, 1997, procedures and standards for the Site Remediation Program (SRP), as established by Section 5/58-58.12 of the Illinois Environmental Protection Act, as added by P.A. 89-431 (eff. Dec. 15, 1995), and amended by P.A. 89-443 (eff. July 1, 1996). The amendments to the Groundwater Quality rules at 35 Ill. Adm. Code 620 are adopted in order to conform those rules to the Site Remediation Program at 35 Ill. Adm. Code 740. A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R97-11.

Specifically, the Board adopted amendments to Part 620 in order to make clear that groundwater management zones (GMZs) may be established under

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Part 740. These amendments are made to alert any reader of Part 620 to the relationship between Parts 620 and 740.

The SRP, along with the amendments made to Part 620, has an effective date of July 1, 1997, in conjunction with the rules adopted in new Part 742, the Tiered Approach to Corrective Action Objectives, commonly known as TACO, and docketed before the Board as R97-12(A).

- 16) Information and questions regarding this adopted rule shall be directed to:

Amy C. Hoogasian, Attorney to the Chairman
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601
 (312) 814-8917

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R97-11 in your request.

The full text of the adopted amendment(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE F: PUBLIC WATER SUPPLIES
 CHAPTER I: POLLUTION CONTROL BOARD

PART 620
 GROUNDWATER QUALITY

SUBPART A: GENERAL

Section	
620.105	Purpose
620.110	Definitions
620.115	Prohibition
620.125	Incorporations by Reference
620.130	Exemption from General Use Standards and Public and Food Processing Water Supply Standards
620.135	Exclusion for Underground Water in Certain Man-Made Conduits

SUBPART B: GROUNDWATER CLASSIFICATION

Section	
620.201	Groundwater Designations
620.210	Class I: Potable Resource Groundwater
620.220	Class II: General Resource Groundwater
620.230	Class III: Special Resource Groundwater
620.240	Class IV: Other Groundwater
620.250	Groundwater Management Zone
620.260	Reclassification of Groundwater by Adjusted Standard

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section	
620.301	General Prohibition Against Use Impairment of Resource Groundwater
620.302	Applicability of Preventive Notification and Preventive Response Activities
620.305	Preventive Notification Procedures
620.310	Preventive Response Activities

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section	
620.401	Applicability
620.405	General Prohibitions Against Violations of Groundwater Quality Standards
620.410	Groundwater Quality Standards for Class I: Potable Resource Groundwater
620.420	Groundwater Quality Standards for Class II: General Resource Groundwater

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620.430	Groundwater Quality Standards for Class III: Special Resource Groundwater
620.440	Groundwater Quality Standards for Class IV: Other Groundwater
620.450	Alternative Groundwater Quality Standards

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section	
620.505	Compliance Determination
620.510	Monitoring and Analytical Requirements

SUBPART F: HEALTH ADVISORIES

Section	
620.601	Purpose of a Health Advisory
620.605	Issuance of a Health Advisory
620.610	Publishing Health Advisories
620.615	Additional Health Advice for Mixtures of Similar-Acting Substances

APPENDIX A: Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater

APPENDIX B: Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

APPENDIX C: Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

APPENDIX D: Confirmation of an Adequate Corrective Action Pursuant to 35 Ill. Adm. Code 620.250(a)(2)

ILL. ADM. CODE 620.250(a)(2)

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8].

SOURCE: Adopted in R89-14(B) at 15 Ill. Reg. 17614, effective November 25, 1991; amended in R89-14(C) at 16 Ill. Reg. 14667, effective September 11, 1992; amended at 18 Ill. Reg. 14084, effective August 24, 1994; amended in R97-11 at 21 Ill. Reg. 7569, effective _____.

SUBPART B: GROUNDWATER CLASSIFICATION

Section 620.201 Groundwater Designations

All groundwaters of the State are designated as:

a) One of the following four classes of groundwater in accordance with Sections 620.210 through 620.240:

- 1) Class I: Potable Resource Groundwater;
- 2) Class II: General Resource Groundwater;
- 3) Class III: Special Resource Groundwater;
- 4) Class IV: Other Groundwater; or

b) A groundwater management zone in accordance with Section 620.250, or-

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- c) A groundwater management zone as defined in 35 Ill. Adm. Code 740.120 and established under 35 Ill. Adm. Code 740.530.

(Source: Amended at 21 Ill. Reg. 7873, effective _____)

Section 620.250 Groundwater Management Zone

- a) Within any class of groundwater, a groundwater management zone may be established as a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site:

1) That is subject to a corrective action process approved by the Agency; or

2) For which the owner or operator undertakes an adequate corrective action in a timely and appropriate manner and provides a written confirmation to the Agency. Such confirmation must be provided in a form as prescribed by the Agency.

- b) A groundwater management zone is established upon concurrence by the Agency that the conditions as specified in subsection (a) are met and groundwater management continues for a period of time consistent with the action described in that subsection.

c) A groundwater management zone expires upon the Agency's receipt of appropriate documentation which confirms the completion of the action taken pursuant to subsection (a) and which confirms the attainment of applicable standards as set forth in Subpart D. The Agency shall review the on-going adequacy of controls and continued management at the site if concentrations of chemical constituents, as specified in Section 620.450(a)(4)(B), remain in groundwater at the site following completion of such action. The review must take place no less often than every 5 years and the results shall be presented to the Agency in a written report.

- d) Notwithstanding subsections (a) and (b) above, a groundwater management zone as defined in 35 Ill. Adm. Code 740.120 may be established in accordance with the requirements of 35 Ill. Adm. Code 740.530 for sites undergoing remediation pursuant to the Site Remediation Program. Such a groundwater management zone shall remain in effect until the requirements set forth at 35 Ill. Adm. Code 740.530(c) are met.

e) While the groundwater management zone established in accordance with 35 Ill. Adm. Code 740.530 is in effect, the otherwise applicable standards as specified in Subpart D of this Part shall not be applicable to the "contaminants of concern", as defined at 35 Ill. Adm. Code 740.120, for which groundwater remediation objectives have been approved in accordance with the procedures of 35 Ill. Adm. Code 740.

- f) Notwithstanding subsection (c) above, the review requirements concerning the ongoing adequacy of controls and continued management

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at the site shall not apply to groundwater within a three-dimensional region formerly encompassed by a groundwater management zone established in accordance with 35 Ill. Adm. Code 740.530 while a No Further Remediation Letter issued in accordance with the procedures of 35 Ill. Adm. Code 740 is in effect.

(Source: Amended at 21 Ill. Reg. 7873, effective _____)

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section 620.450 Alternative Groundwater Quality Standards

a) Groundwater Quality Restoration Standards

- 1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.
- 2) Except as provided in subsections (a)(3) or (a)(4) below, the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 apply to any chemical constituent in groundwater within a groundwater management zone.
- 3) Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.
- 4) After completion of a corrective action as described in Section 620.250(a), the standard for such released chemical constituent is:

A) The standard as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the concentration as determined by groundwater monitoring of such constituent is less than or equal to the standard for the appropriate class set forth in those Sections; or

B) The concentration as determined by groundwater monitoring, if such concentration exceeds the standard for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such constituent, and:

- i) To the extent practicable, the exceedance has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned; and
- ii) Any threat to public health or the environment has been minimized.

5) The Agency shall develop and maintain a listing of concentrations derived pursuant to subsection (a)(4)(B) above. This list shall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing shall be published in the Environmental Register.

- b) Coal Reclamation Groundwater Quality Standards

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- 1) Any inorganic chemical constituent or pH in groundwater, within an underground coal mine, or within the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] (41st Rev. 1989) (Ch. 96-1/27-pars. 7901-1-et-seq. as amended) and 62 Ill. Adm. Code 1700 through 1850, is subject to this Section.
- 2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430 and 620.440 are not applicable to inorganic constituents and pH.
- 3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a), 620.430, and 620.440 are applicable to inorganic constituents and pH, except:
 - A) The concentration of total dissolved solids (TDS) must not exceed:
 - i) The post-reclamation concentration or 3000 mg/L, whichever is less, for groundwater within the permitted area; or
 - ii) The post-reclamation concentration of TDS must not exceed the post-reclamation concentration or 5000 mg/L, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and Minerals and the Agency have determined that no significant resource groundwater existed prior to mining (62 Ill. Adm. Code 1780.21(f) and (g)); and
 - B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area must not be exceeded.
 - C) For pH, the post-reclamation concentration within the permitted area must not be exceeded within Class I: Potable Resource Groundwater as specified in Section 620.210(a)(4).
- 4) A refuse disposal area (not contained within the area from which overburden has been removed) is subject to the inorganic chemical constituent and pH requirements of:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D of this Part for such area that is placed into

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- 5) For a refuse disposal area (not contained within the area from which overburden has been removed) that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(4)(C) and the following applies to the additional area:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional refuse disposal area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and
 - B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.
- 6) A coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, is subject to the inorganic chemical constituent and pH requirements of:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such plant that was placed into operation after February 1, 1983 and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such plant that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D for such plant that is placed into operation on or after the effective date of this Part.
- 7) For a coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and
 - B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.
- 8) Groundwater Quality Standards for Certain Groundwater Subject to a No Further Remediation Letter under Part 740. While a No Further Remediation Letter is in effect for a region formerly encompassed by a

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groundwater management zone established under 35 Ill. Adm. Code 740.530, the groundwater quality standards for "contaminants of concern", as defined in 35 Ill. Adm. Code 740.120, within such area shall be the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.

(Source: Amended at 21 Ill. Reg. 19053), effective

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: Adopted Action:
201.146 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendments: June 17, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 6, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: January 3, 1997; 21 Ill. Reg. 342
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: Only minor typographical changes were made to the rule.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R96-17. The Board is proposing amendments to expand, clarify and modify the list of emission units and activities which are exempt from State air permitting requirements. The exemptions being added include: cafeterias, kitchens and smokehouses used for preparing food or beverages; feed mills that produce no more than 10,000 tons of feed per calendar year; equipment used for hydraulic or hydrostatic testing; and general vehicle maintenance and servicing activities conducted at a source. Exemptions which are being modified include: mobile internal combustion and jet engines, marine installation and locomotives; laboratory equipment used exclusively for chemical or physical analysis; and printing operations.
- 16) Information and questions regarding this adopted rule shall be directed to:

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Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312)814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R96-17 in your request.

The full text of the adopted amendment begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from <u>State Permit Requirements Requirement</u>
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications
201.154	Signatures
201.155	Standards for Issuance
201.156	Conditions

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201.157 Contents of Application for Operating Permit
 201.158 Incomplete Applications
 201.159 Signatures
 201.160 Standards for Issuance
 201.161 Conditions
 201.162 Duration
 201.163 Joint Construction and Operating Permits
 201.164 Design Criteria
 201.165 Hearings
 201.166 Revocation
 201.167 Revisions to Permits
 201.168 Appeals from Conditions

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
 PERMITS FOR CERTAIN SMALLER SOURCES

Section
 201.180 Applicability
 201.181 Expiration and Renewal
 201.187 Requirement for a Revised Permit

SUBPART F: CAAPP PERMITS

Section
 201.207 Applicability
 201.208 Supplemental Information
 201.209 Emissions of Hazardous Air Pollutants
 201.210 Categories of Insignificant Activities or Emission Levels
 201.211 Application for Classification as an Insignificant Activity
 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (RESERVED)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION
 SCHEDULES

Section
 201.241 Contents of Compliance Program
 201.242 Contents of Project Completion Schedule
 201.243 Standards for Approval
 201.244 Revisions
 201.245 Effects of Approval
 201.246 Records and Reports
 201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section

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201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
 201.263 Records and Reports
 201.264 Continued Operation or Startup Prior to Granting of Operating Permit
 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
 201.281 Permit Monitoring Equipment Requirements
 201.282 Testing
 201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
 201.301 Records
 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
 201.401 Continuous Monitoring Requirements
 201.402 Alternative Monitoring
 201.403 Exempt Sources
 201.404 Monitoring System Malfunction
 201.405 Excess Emission Reporting
 201.406 Data Reduction
 201.407 Retention of Information
 201.408 Compliance Schedules

APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table
 APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended

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combustion emission unit ~~burning-emission-source~~ using solid fuel with a design heat input total capacity of 14.6 MW (50 mmbtu/hr) input or more;

- i) Any stationary ~~Stationary~~ internal combustion engine ~~engines~~ with a rated power output of less than 1118 kW (1500 horsepower), except that a permit shall be required for any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, Subpart GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps ~~Stacks--or--vents--used--to--prevent-the-escape-of-sewer-gases-through plumbing-traps;~~
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is ~~devices~~ associated with an ~~emission-source~~ ~~shall--be included-within-the-permit-for-such-emission-source;~~
- l) Storage tanks for liquids for retail dispensing except for storage tanks located at ~~gasoline-dispensing-facilities~~ that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, diluents, fountain solutions and cleaning materials ~~for-printing-operations-using-inks~~ ~~than-2839-l-(750-gal)-of-organic-solvents-per-year;~~
- n) Storage tanks of organic liquids with a capacity of less than 18,925 l (4500-gal) except for storage tanks located at ~~gasoline-dispensing facilities-that-are-subject-to-the-requirements-of-35-III--Adm--Code 215-583(a)(2);~~
- 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
- 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils.
- o) Threaded ~~flanged--and--threaded~~ pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps ~~and-process-valves-capable-of-discharging-specified air-contaminants-to-the-atmosphere;~~

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in R99-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 15760, effective 11/1/94.

SUBPART C: PROHIBITIONS

Section 201.146 Exemptions from State Permit Requirements Requirement

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not ~~No-permit-is~~ required for the following classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, Sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.*

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel ~~fuel~~ burning emission unit ~~sources~~ for indirect systems and for heating and reheating furnace systems used exclusively for residential or commercial establishments using gas and/or fuel oil exclusively with a design heat input total capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, Subpart D-input;
- d) Each fuel ~~fuel~~ burning emission unit ~~sources~~ other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input total capacity of less than 2930 293 kW (10 1 mmbtu/hr) input;
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines ~~Mobile-internal-combustion and-jet-engines--marine-installation-and-t locomotives;~~
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases ~~laboratory-equipment--used--exclusively--for--chemical--or--physical analysis;~~
- g) Coating ~~Painting~~ operations located at a source using not in excess of 18,925 l (5,000 gal) of coating paint (including thinner) per year;
- h) Any emission unit ~~source~~ acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel

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- p) Sampling connections used exclusively to withdraw materials for laboratory testing and analyses;
- q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
- r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
- t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- u) Portable grain-handling equipment and one-turn storage space;
- v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- w) Coin-operated dry cleaning operations; and
- x) Dry cleaning operations at a source that consume facilities-consuming less than 30 gallons per month (360---gallons---per---year) of perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
- 1) Used for maintenance activity;
 - 2) Manually operated;
 - 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitator or a scrubber.
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
- 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain

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- volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and
- 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act.
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a throughput of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations - Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:
- 1) Gasoline fuel handling; and
 - 2) Motor vehicle refinishing.
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no

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organic solvent has been added to the water;

pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;

qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:

1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;

2) Located at a commercial laundry; or

3) Coin operated.

rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;

ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;

tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;

uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;

vv) Water treatment or storage systems, as follows:

1) Systems for potable water or boiler feedwater; and

2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act.

ww) Lawn care, landscape maintenance and grounds keeping activities;

xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;

yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;

zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;

aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;

bbb) Storage and handling of drums or other transportable containers.

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where the containers are sealed during storage and handling;

ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;

ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;

eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use; and

fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:

1) Dryers with a rated heat input capacity of 2930 kW (10 mmBtu/hr) or more; and

2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Site Remediation Program2) Code Citation: 35 Ill. Adm. Code 7403) Section Number: Adopted Action:

740.100 New
 740.105 New
 740.110 New
 740.115 New
 740.120 New
 740.125 New
 740.130 New
 740.200 New
 740.205 New
 740.210 New
 740.215 New
 740.220 New
 740.225 New
 740.230 New
 740.235 New
 740.300 New
 740.305 New
 740.310 New
 740.315 New
 740.320 New
 740.400 New
 740.405 New
 740.410 New
 740.415 New
 740.420 New
 740.425 New
 740.430 New
 740.435 New
 740.440 New
 740.445 New
 740.450 New
 740.455 New
 740.500 New
 740.505 New
 740.510 New
 740.515 New
 740.520 New
 740.525 New
 740.530 New
 740.600 New
 740.605 New
 740.610 New
 740.615 New

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740.620 New
 740.625 New
 APPENDIX A New
 TABLE A New
 TABLE B New
 TABLE C New
 TABLE D New
 APPENDIX B New

4) Statutory Authority: 415 ILCS 5/27, 28, 585) Effective Date of Rule(s): July 1, 19976) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? Yes8) Date Filed in Agency's Principal Office: June 5, 19979) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 2571; February 21, 199710) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.
 On May 13, 1997, JCAR issued a Statement of No Objection to the adoption of this rule.11) Difference(s) between proposal and final version: The Board made certain revisions to the original proposed rules in Part 740. In Section 740.115, removed the Board Note. In Section 740.120, removed reference to Section 58.2 of the Act for definition of "pesticide." Also, in definition for "residential property," added "soil" before "ingestion," and changed "playgrounds" to "outdoor recreational areas." In Section 740.210, changed "determination" to "Letter." In Section 740.230(d) and Section 740.310(c), added language to allow for a 90-day extension of the time to file an appeal as is allowed for extensions of permit decisions in Section 40 of the Illinois Environmental Protection Act [415 ILCS 5/40].

In Section 740.415(d)(1), added "If approved by the Agency," before "such activities also may be conducted." In Section 740.415(d)(1), removed "as approved by the Agency" after "procedures." In Section 740.425(b)(5), added new subsection, "B) Describe all conditions the LPE has determined to be de minimis along with the rationale for each such de minimis determination." In Sections 740.435(b)(6)(A) and 740.445(a), removed ".Subpart C." In Section 740.505(g)(3), added "in writing" after "unless otherwise approved by the Agency." In Section 740.515(a), added "or remediation measures" after "objectives." In 740.Appendix A, Tables A through D, added CAS Numbers before the names of each compound. In 740.Appendix A, Tables C and D, removed "See Section 1.4 for description

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of circumstances for the analysis of these compounds at these detection limits." In 740.Appendix B, changed "organization" to "reorganization." Additionally, minor typographical revisions were made throughout the rule.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): The Board adopted on June 5, 1997, procedures and standards for the Site Remediation Program (SRP), as established by Section 5/58-58.12 of the Illinois Environmental Protection Act, as added by P.A. 89-431 (eff. Dec. 15, 1995), and amended by P.A. 89-443 (eff. July 1, 1996). A more complete description of this regulation may be found in the Board's opinion and order of June 5, 1997 in R97-11.

The Board adopts this new Part 740, the SRP, along with conforming amendments to the groundwater quality rules found at 35 Ill. Adm. Code 620, in order to establish procedures for the investigative and remedial activities at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides or petroleum and for the review and approval of those activities. The SRP is voluntary; any persons performing site investigation or remediation may elect to proceed under the SRP. Once a participant decides to enter into the SRP, the rule requires that a Remediation Applicant (RA) submit an application and enter into a service agreement with the Agency. Subsequently, the RA must perform a site investigation. If contamination is discovered, the RA must achieve compliance with remediation objectives, the RA must propose a remedial action plan to the Agency. After the remedial action plan is approved by the Agency, the RA must submit a remedial action completion report to show that the remediation objectives have been achieved. Once the remedial action completion report is approved by the Agency, the Agency will then issue a No Further Remediation (NFR) Letter to the RA. The NFR Letter is considered to be prima facie evidence that the site does not constitute a threat to human health and the environment. The NFR Letter signifies that no further remediation is required under the Act so long as the site is used in accordance with the terms of the NFR Letter.

This proposal establishes a program which is designed to ensure cleanup of contaminated property in Illinois based on an analysis of risks associated with current and future uses of a site. The SRP provides incentives to cleanup abandoned or under-used property within the State of Illinois. This new Part will promote cleanups that protect human health and the

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environment. The SRP has an effective date of July 1, 1997, in conjunction with the rules adopted in new Part 742, the Tiered Approach to Corrective Action Objectives, commonly known as TACO, and docketed before the Board as R97-12(A).

- 16) Information and questions regarding this adopted rule shall be directed to:

Amy C. Hoogasian, Attorney to the Chairman
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-8917

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R97-11 in your request.

The full text of the adopted rule(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

PART 740

SITE REMEDIATION PROGRAM

SUBPART A: GENERAL

Section	Purpose
740.100	Applicability
740.105	Permit Waiver
740.110	Agency Authority
740.115	Definitions
740.120	Incorporations by Reference
740.125	Severability
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SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section	Purpose
740.200	General
740.205	Submittal of Application and Agreement
740.210	Contents of Application and Agreement
740.215	Approval or Denial of Application and Agreement
740.220	Acceptance and Modification of Application and Agreement
740.225	Termination of Agreement by the Remediation Applicant (RA)
740.230	Termination of Agreement by the Agency
740.235	Use of Review and Evaluation Licensed Professional Engineer (RELPE)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section	Purpose
740.300	General
740.305	Recordkeeping for Agency Services
740.310	Request for Payment
740.315	Submittal of Payment
740.320	Manner of Payment

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section	Purpose
740.400	General
740.405	Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)
740.410	Form and Delivery of Plans and Reports, Signatories and

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Certifications

740.415	Site Investigation -- General
740.420	Comprehensive Site Investigation
740.425	Site Investigation Report -- Comprehensive Site Investigation
740.430	Focused Site Investigation
740.435	Site Investigation Report -- Focused Site Investigation
740.440	Determination of Remediation Objectives
740.445	Remediation Objectives Report
740.450	Remedial Action Plan
740.455	Remedial Action Completion Report

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section	Purpose
740.500	General
740.505	Reviews of Plans and Reports
740.510	Standards for Review of Site Investigation Reports and Related Activities
740.515	Standards for Review of Remediation Objectives Reports
740.520	Standards for Review of Remedial Action Plans and Related Activities
740.525	Standards for Review of Remedial Action Completion Reports and Related Activities
740.530	Establishment of Groundwater Management Zones

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section	Purpose
740.600	General
740.605	Issuance of No Further Remediation Letter
740.610	Contents of No Further Remediation Letter
740.615	Payment of Fees
740.620	Duty to Record No Further Remediation Letter
740.625	Voidance of No Further Remediation Letter

APPENDIX A Target Compound List

TABLE A	Volatile Organics	Analytical Parameters and Required Quantitation Limits
TABLE B	Semivolatile Organic	Analytical Parameters and Required Quantitation Limits
TABLE C	Pesticide and Aroclors	Organic Analytical Parameters and Required Quantitation Limits
TABLE D	Inorganic Analytical	Parameters and Required Quantitation Limits

APPENDIX B	Review and Evaluation	Licensed Professional Engineer Information
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AUTHORITY: Implementing Sections 58 through 58.12 and authorized by Sections 58.5, 58.6, 58.7, and 58.11 of the Environmental Protection Act [415 ILCS 5/58

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through 58.12].

SOURCE: Adopted in R97-11 at 21 Ill. Reg. 7889, effective

NOTE: In this Part, the abbreviation ug is used to indicate micrograms.

SUBPART A: GENERAL

Section 740.100 Purpose

The purpose of this Part is to establish procedures for investigation and remediation at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum and for the review and approval of those activities. (Section 58.1(a)(1) of the Act)

Section 740.105 Applicability

a) The procedures set forth in this Part may be used by any person required under the Act or electing to perform investigative or remedial activities at a site where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum unless:

- 1) The site is on the National Priorities List (Appendix B of 40 CFR 300);
 - 2) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required under a current State or federal solid or hazardous waste permit or are closure requirements for a solid or hazardous waste treatment, storage or disposal site under applicable State or federal laws and implementing regulations;
 - 3) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required under State or federal underground storage tank laws and implementing regulations; or
 - 4) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required by a federal court order or an order issued by the United States Environmental Protection Agency and compliance with this Part would be contrary to the terms of that order.
- b) Any person whose site is excluded under subsection (a) may utilize the provisions of this Part to the extent allowed by federal law, federal authorization, or by other federal approval.
- c) Any person whose site has previously enrolled in the Agency voluntary program and whose site is otherwise eligible under Title XVII of the Environmental Protection Act (Act) [415 ILCS 5] and this Part may elect in accordance with Section 58.1(b) of the Act to use the procedures provided in this Part. In determining compliance with

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Title XVII of the Act and this Part for activities at such sites, the Agency may accept any documents that are comparable to those required to be submitted under this Part.

- d) Except for sites excluded under subsection (a), investigative or remedial activities at agrichemical facilities may be performed under this Part.
- e) All applicable requirements of this Part, including those for plans and reports, shall be satisfied prior to the issuance of a No Further Remediation Letter.

Section 740.110 Permit Waiver

A State permit or permit revision which is not otherwise required by federal law or regulations shall not be required for remedial activities undertaken pursuant to the provisions of this Part that occur entirely on the remediation site. (Section 58.4 of the Act)

Section 740.115 Agency Authority

Nothing in this Part shall limit the authority of the Agency to provide notice under subsection (g) of Section 4 of the Act or to undertake investigative, preventive or corrective action under any other applicable provisions of the Act. (Section 58.9(e) of the Act) The Agency may use the procedures of this Part, as appropriate (e.g., service agreements, determination of remediation objectives, and recording requirements), for remediation sites where the Remediation Applicant (RA) is seeking a release pursuant to Section 4(y) of the Act.

Section 740.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency. (Section 3.01 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or

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distributed. The term does not include basic manufacturing facility sites. (Section 58.2 of the Act)

"ASTM" means the American Society for Testing and Materials. (Section 58.2 of the Act)

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or "regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the remediation applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

"Groundwater management zone" or "GMZ" means a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

"Indirect costs" means those costs incurred by the Agency which cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

"Licensed Professional Engineer" or "LPE" means a person, corporation or partnership licensed under the laws of this State to practice professional engineering. (Section 58.2 of the Act)

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state,

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municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. (Section 58.2 of the Act)

"Personal services costs" means costs relative to the employment of individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or dessicant. (Illinois Pesticide Act [415 ILCS 60/4])

"Practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 740.125 of this Part.

"Reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from a private entity or government agency by request and upon payment of a processing fee, if any.

"Recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response,

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Compensation, and *Liability Act of 1980 (P.L. 96-510)* and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)

"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. (Section 3.33 of the Act)

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. (Section 58.2 of the Act)

"Remediation applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of the owner or operator of the site. (Section 58.2 of the Act)

"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740. Subpart D of this Part.

"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review,

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evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

"Residential property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas. (Section 58.2 of the Act)

"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom a Remediation Applicant (RA) has contracted to perform review and evaluation services under the direction of the Agency.

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act) This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

Section 740.125 Incorporations by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

a) ASTM. American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103. (215) 299-5400

ASTM E 1527-94, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, vol. 11.04, approved April 15, 1994.

b) U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. (202) 783-3238

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition (September 1986), as amended by Update I (July 1992)).

c) NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. (703) 487-4600

"Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010 (June 1991);

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"Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039 (December 1988) (revised July 1991);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129 (August 1992);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131 (August 1995).

- d) United States Environmental Protection Agency, Office of Emergency and Remedial Response, Washington, D.C. 20460.

"A Compendium of Superfund Field Operations Methods," EPA/540/0-87-001, OSWER Directive 9355.0-14 (December 1987);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B," EPA/625/R-93/003a (May 1993);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D," EPA/625/R-93/003b (May 1993).

Section 740.130 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section 740.200 General

This Subpart sets forth the requirements to be followed by Remediation Applicants (RA) in applying for review and evaluation services from the Agency, provides for approval or denial of applications by the Agency, and sets forth the requirements to be followed in entering into or terminating agreements to provide review and evaluation services and any related services that the RA may request.

Section 740.205 Submittal of Application and Agreement

Site Remediation Program Applications (Applications) and Review and Evaluation Services Agreements (Agreements) shall be submitted to the Agency on forms

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prescribed and provided by the Agency with attachments as necessary. Applications and Agreements may be combined into one form. Applications and Agreements shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the Agency's normal business hours.

Section 740.210 Contents of Application and Agreement

- a) The Application shall, at a minimum, contain the following information:

- 1) The full legal name, address, and telephone number of the RA, the remediation site owner, if different from the RA, and any authorized agents acting on behalf of the RA or remediation site owner, and any contact persons to whom inquiries and correspondence must be addressed;
- 2) The original signature of the RA or of the authorized agent acting on behalf of the RA;
- 3) For applicants other than the remediation site owner, written permission from the owner, or the authorized agent of the owner, for conducting investigative and remedial activities:

- A) Where the remediation site extends across property boundaries, written permission must be obtained from the owner of each affected property;

- B) The written permission shall clearly identify the remediation site for which services are sought;

- C) The written permission shall contain the original signature of the owner; and

- D) Where the RA is authorized by law to act on behalf of the owner of the remediation site, the RA shall provide written documentation of that authority;

- 4) The remediation site address, site name, the Illinois inventory identification number, if assigned, and the approximate size of the remediation site in acres;

- 5) A statement of the nature of the No Further Remediation Letter requested:

- A) The statement shall indicate whether the RA is requesting a No Further Remediation Letter under Section 58.10 of the Act for:
 - i) A limited number of recognized environmental conditions and related contaminants of concern as specified by the RA and identified by a focused site investigation under Section 740.430 of this Part; or
 - ii) All recognized environmental conditions and related contaminants of concern for the remediation site as identified by a comprehensive site investigation under Section 740.420 of this Part; or

- B) The statement shall indicate whether the RA is requesting a release under Section 4(y) of the Act;

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6) A statement identifying the recognized environmental conditions and related contaminants of concern for which the RA is seeking the No Further Remediation Letter as follows:

- A) If the RA is requesting a No Further Remediation Letter under subsection (a)(5)(A)(i) above, the RA shall specify, to the extent reasonably possible, the limited recognized environmental conditions to be addressed, including the related contaminants of concern; or
- B) If the RA is requesting a No Further Remediation Letter under subsection (a)(5)(A)(ii) above, the RA shall generally state that all recognized environmental conditions and related contaminants of concern identified by the comprehensive site investigation to be conducted under Section 740.420 of this Part shall be addressed;

7) Site base map(s) of sufficient detail and accuracy to show all of the following:

- A) A distance of at least 1,000 feet around the remediation site at a scale no smaller than one inch equal to 200 feet;
- B) Map scale, north arrow orientation, date, and location of the site with respect to township, range and section;
- C) Remediation site boundary lines, with the owners of property adjacent to the remediation site clearly indicated, if reasonably identifiable; and
- D) Surrounding land uses (e.g., residential property, industrial/commercial property, agricultural property, and conservation property);

8) Identification of the following:

- A) Any support services being sought from the Agency in addition to the review and evaluation services; and
- B) Anticipated schedule;

9) A statement of the current use of the remediation site and of post-remediation uses;

10) A list of all Agency permits pertaining to the remediation site currently held by the owner and operator;

11) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA; and

12) The signature of the RA certifying the accuracy and completeness of the application.

b) The Agreement may include the conditions set forth in subsection (c), as well as any additional support services to be provided by the Agency, as set forth in subsection (d) and as may be requested by the RA, and any terms and conditions necessary to accomplish those services.

c) Except for sites excluded under Section 740.105 or 740.215 of this Part, the Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Part for which the RA requested the services in writing. As a condition for providing services, the Agency may

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require that the RA for a remediation site:

- 1) Conform with the procedures of the Act and this Part;
- 2) Allow for or otherwise arrange remediation site visits or other remediation site evaluation by the Agency when so requested;
- 3) Agree to perform the Remedial Action Plan as approved under this Part;
- 4) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services pursuant to this Part;
- 5) Make an advance partial payment to the Agency for such anticipated services;

A) An advance partial payment in the amount of \$500 may be submitted along with the Application and Agreement forms; or

B) The applicant may request on a form provided by the Agency that the Agency estimate the total costs to the Agency of providing the requested services and assess an advance partial payment in an amount acceptable to the Agency but not to exceed \$5,000 or one-half of the total anticipated costs of the Agency, whichever is less;

6) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator. (Section 58.7(b)(1)(A)-(F) of the Act)

d) In addition to review and evaluation services, the RA may request and the Agency may provide other types of support services under terms and conditions agreed to by the parties and set forth in the Agreement. Additional services offered by the Agency include, but are not limited to:

- 1) Sample collection and analyses;
- 2) Assistance with community relations; and
- 3) Coordination and communication between the RA and other governmental entities.

Section 740.215 Approval or Denial of Application and Agreement

a) The Agency shall have 30 days from the receipt of an Application to approve or deny the Application. The Agency's record of the date of receipt of an Application shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Agency or certified or registered mail. Reasons for denial of an Application shall include, but not be limited to, the following:

- 1) The application is deemed incomplete;
 - 2) The remediation site or the investigative and remedial activities requested by the RA do not satisfy the applicability requirements set forth at Section 740.105 of this Part; or
 - 3) The Agency does not have the resources available to provide review and evaluation services as requested in the Application.
- b) The Agency shall notify the RA in writing whether the Application is approved or denied. The notification shall be made by certified or registered mail postmarked with a date stamp and with return receipt

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requested. The Agency's final determination shall be deemed to have taken place on the post-marked date that the notice is mailed. If the Agency denies an Application for services, the notice of denial shall state the reasons for the denial.

- c) The RA may agree to waive the review deadline under this Section at the request of the Agency or on its own discretion.
- d) Except for denials under subsection (a)(3) above, if the Agency denies an Application, the RA may, within 35 days after receipt of the final determination, file an appeal with the Board. If the Agency fails to make the final determination on an Application within the time frame provided under subsection (a) or (c) above, that failure shall be deemed a denial of the Application, which the RA may appeal within 35 days after the expiration of the deadline. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. If the Application or Agreement is denied, in lieu of an immediate appeal to the Board, the RA may either resubmit the Application or Agreement to the Agency or file a joint request for a 90-day extension in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].

Section 740.220 Acceptance and Modification of Application and Agreement

- a) A signed Agreement shall become effective upon approval by the Agency of the Application and the receipt of the advance partial payment in an amount determined under Section 740.210(c) of this Part.
- b) Upon approval of the Application and receipt of the signed Agreement and advance partial payment, recordkeeping for services conducted by the Agency shall be initiated as provided in Subpart C of this Part.
- c) Modifications to the Application or Agreement shall be by mutual agreement of the parties and may be initiated by the RA or the Agency at any time. All modifications to the Application or Agreement shall be in writing and shall become effective upon signing by the RA and acceptance by the Agency unless another date is provided in the modification.
- d) If the Agency denies any request for modifications to the Application or Agreement, the RA may file an appeal within 35 days after receipt of notice of the Agency's denial. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. If any request for modifications to the Application or Agreement is denied, in lieu of an immediate appeal to the Board, the RA may either resubmit the request for modification to the Agency or file a joint request for a 90-day extension in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].

Section 740.225 Termination of Agreement by the Remediation Applicant (RA)

- a) An RA requesting services under this Part may, at any time, notify the

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Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of receipt of such notification. (Section 58.7(b)(3) of the Act)

- b) Within 45 days after the receipt of a final invoice prepared under subsection (a) above and Section 740.310 of this Part, the RA shall submit full payment to the Agency for any unpaid oversight costs the Agency has identified in the invoice. Submittal and manner of payment shall be as provided under Sections 740.315 and 740.320 of this Part.
- c) Upon finding that the RA has paid all oversight costs, the Agency shall notify the RA in writing by certified mail, return receipt requested, that the Agreement is terminated.

Section 740.230 Termination of Agreement by the Agency

- a) The Agency may terminate the Review and Evaluation Services Agreement if the RA:

- 1) Fails to comply with the requirements of Title XVII of the Act or this Part;
 - 2) Violates any terms or conditions or fails to fulfill any obligations of the Agreement;
 - 3) Fails to proceed in a timely and appropriate manner consistent with the schedule set forth in the Application, Remedial Action Plan, or as subsequently modified by agreement with the Agency; or
 - 4) Fails to address an imminent and substantial threat to human life, health or the environment in a timely and effective manner.
- b) Prior to termination of an Agreement the Agency shall notify the RA in writing of its intention to terminate the Agreement and the reasons for the intended termination. Except for terminations under subsection (a)(4) above, the Agency shall provide the RA with a reasonable opportunity of not less than 15 days to correct deficiencies.
- c) The Agency shall notify the RA in writing of its final decision to terminate the Agreement. The notice of termination shall be made in accordance with Section 740.215(b) of this Part. The notice of termination shall state the reasons for the termination.
- d) Except for terminations under subsection (a)(4) above, if the Agency terminates an Agreement, the RA may, within 35 days after receipt of the final determination, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. In lieu of an immediate appeal to the Board, the RA may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].
- e) A request for payment for all unpaid costs incurred by the Agency under the Agreement to the date of termination may be included with

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the notice of termination or may be sent as soon thereafter as practicable, but no later than 180 days after the Agency's issuance of the notice of termination. The request for payment shall comply with Section 740.310 of this Part. Within 45 days after the receipt of the request for payment the RA shall submit full payment to the Agency. Submittal and manner of payment shall be as provided in Sections 740.315 and 740.320 of this Part.

Section 740.235 Use of Review and Evaluation Licensed Professional Engineer (RELPE)

An RA may elect to contract with a Licensed Professional Engineer who will perform review and evaluation services on behalf of and under the direction of the Agency relative to the site activities. (Section 58.7(c) of the Act)

- a) Prior to entering into a contract with an RA under this Part, the Review and Evaluation Licensed Professional Engineer (RELPE) shall provide the RA with the information detailed in Part 740. Appendix B.
- b) Prior to entering into the contract with the RELPE, the RA shall notify the Agency of the RELPE to be selected. In making the notification, the RA shall submit the information detailed in Part 740. Appendix B as provided by the RELPE. The Agency and the RA shall discuss the potential terms of the contract. (Section 58.7(c)(1) of the Act)
- c) At a minimum, the contract with the RELPE shall provide that the RELPE will submit any plans or reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency. (Section 58.7(c)(2) of the Act)
 - 1) The contract with the RELPE shall set forth the scope of work for which the RA has engaged the RELPE and the effective date of the contract.
 - 2) Costs incurred by the RELPE shall be paid directly to the RELPE by the RA as provided in the contractual agreement between the RA and the RELPE.
 - 3) The Agency shall not be liable for any activities conducted by the RELPE or for any costs incurred by the RELPE.
- d) Reasonable costs incurred by the Agency for oversight of the RELPE and its review and evaluation services shall be paid by the RA directly to the Agency in accordance with the terms of the Review and Evaluation Services Agreement entered into under this Part. (Section 58.7(c)(3) of the Act)
- e) In no event shall the RELPE acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site. (Section 58.7(c)(4) of the Act)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

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Section 740.300 General

This Subpart sets forth the requirements to be followed in requesting and submitting payments for Agency costs incurred under this Part.

Section 740.305 Recordkeeping for Agency Services

- a) Costs incurred by the Agency shall be tracked within the Agency by the use of site-specific codes. The following types of costs shall be documented as applicable:
 - 1) Personal services costs and indirect costs;
 - 2) Agency travel costs;
 - 3) Professional and artistic services contractual costs;
 - 4) Laboratory costs;
 - 5) Other contractual costs; and
 - 6) Other costs as agreed.
- b) Vouchers associated with review and evaluation services for sites under this Part shall be identified by the assigned site-specific codes.
- c) All Agency personnel performing review and evaluation services or other support services for a site under this Part shall allocate their time to that site using the assigned site-specific codes.

Section 740.310 Request for Payment

- a) The Agency shall prepare a written request for payment for costs incurred for services provided under the Agreement. Costs shall be documented, and the documentation shall be made available to the RA upon written request. Requests for payment shall be submitted to the RA no more than quarterly unless the request is at the conclusion or termination of an Agreement.
- b) The first request for payment shall reflect the deduction of any advance partial payment from the costs incurred. A request for payment shall not be sent until the advance partial payment has been depleted.
- c) Within 35 days after the receipt of a request for payment, the RA may appeal the reasonableness of any request for payment. Appeals of any request which do not exceed, in the aggregate, the Agency's cost estimate provided under Section 740.210(c)(5) or \$5,000, whichever is greater, shall be limited to the grounds that the services on which the request is based were not actually performed. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. In lieu of an immediate appeal to the Board, the RA may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].

Section 740.315 Submittal of Payment

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Unless appealed in accordance with Section 740.310(c) of this Part, payments for costs incurred by the Agency for the performance of services under this Part shall be submitted to the Agency within 45 days after receipt of the request for payment, except for advance partial payments, which may be submitted along with the Application and Agreement or subsequent to the receipt of the Agency's determination under Section 740.210(b)(2)(E)(ii) of this Part.

Section 740.320 Manner of Payment

Payment shall be made by check or money order made payable to "Treasurer - State of Illinois, For Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number and the Federal Employer Identification Number or Social Security Number of the RA entering into an Agreement under this Part. Payment shall be mailed or delivered to the address designated by the Agency in the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.

**SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES,
PREPARATION OF PLANS AND REPORTS**

Section 740.400 General

This Subpart sets forth the requirements for site investigations, determination of remediation objectives, and the form and content of plans and reports submitted to the Agency under this Part.

Section 740.405 Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)

All remediation site activities shall be conducted by, or under the supervision of, a Licensed Professional Engineer (LPE). All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.

Section 740.410 Form and Delivery of Plans and Reports, Signatories and Certifications

- a) All plans and reports prepared under this Part shall be submitted to the Agency on forms prescribed and provided by the Agency with attachments and accompanying documentation as necessary. Plans and reports shall be mailed or delivered to the address designated by the Agency on the forms. Plans and reports that are hand-delivered to the Agency shall be delivered during the Agency's normal business hours.
- b) All plans and reports submitted to the Agency shall include:
 - 1) The full legal name, address and telephone number of the Remediation Applicant (RA) or any authorized agent acting on behalf of the RA, and any contact persons to whom inquiries and

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correspondence must be addressed;

- 2) The original signature of the RA or of any authorized agent acting on behalf of the RA;
- 3) The name of the LPE responsible for site activities and preparation of the plan or report, the date of preparation, registration number, license expiration date, and professional seal; and
- 4) Except as provided in subsection (c) below, the LPE responsible for the site investigations, remedial activities, and preparation of the plans or reports shall affirm by original signature as follows:

I attest that all site investigations or remedial activities that are the subject of this plan or report were performed under my direction and this document and all attachments were prepared under my direction or reviewed by me, and, to the best of my knowledge and belief, the work described in the plan or report has been designed or completed in accordance with the Act, 35 Ill. Adm. Code 740, and generally accepted engineering practices, and the information presented is accurate and complete.

- c) If the investigation relies in whole or in part upon investigations or remedial activities conducted before the affirming LPE's assumption of responsibility for site activities, then the LPE is not required to affirm that those portions of the investigation or remedial activities were carried out under his or her direction. However, the LPE shall review the documentation of the prior investigations or remedial activities and evaluate their suitability for compliance with Title XVII of the Act and this Part. Such information may be submitted to the Agency for consideration along with the LPE's written evaluation of suitability, but the Agency shall not be required to accept the information as evidence of compliance with any requirements of the Act or this Part.

- d) The RA may elect to prepare and submit for review and approval any and all reports and plans required under this Part individually following the completion of each such activity or concurrently following the completion of all activities, or in any other combination. (Section 58.6(f) of the Act)

Section 740.415 Site Investigation -- General

A site investigation shall be performed under this Part to identify, as indicated within the RA's application for review and evaluation services, all or specified recognized environmental conditions existing at the remediation site, the related contaminants of concern, and associated factors that will aid in the identification of risks to human health, safety and the environment, the determination of remediation objectives, and the design and implementation of a Remedial Action Plan.

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- a) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering all recognized environmental conditions and related contaminants of concern for the remediation site, then the procedures provided under Sections 740.420 and 740.425 of this Part shall be followed.
- b) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering a limited number of recognized environmental conditions and related contaminants of concern as specified by the RA, then the procedures at Sections 740.430 and 740.435 of this Part shall be followed.
- c) The RA may revise an election at anytime by initiating a modification of the Review and Evaluation Services Agreement under Section 740.220 of this Part and performing the appropriate site investigation, if necessary.
- d) Site investigations shall satisfy the following data quality objectives for field and laboratory operations to ensure that all data is scientifically valid and of known precision and accuracy:
 - 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual), incorporated by reference at Section 740.125 of this Part. If approved by the Agency, such activities also may be conducted in accordance with ASTM standards, methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/540/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B" (EPA/625/R-93/003a, May 1993), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993), or other procedures.
 - 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 740.125 of this Part, or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
 - 3) All laboratory quantitative analysis of samples to determine concentrations of regulated substances or pesticides shall be conducted fully in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, relative to all

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- facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the PQL for the Target Compound List at Appendix A of this Part, or, if the site remediation objective concentrations have been determined, the PQL must be less than or equal to the remediation objective concentrations for the site.
- 4) All field or laboratory measurements of samples to determine physical or geophysical characteristics shall be conducted in accordance with ASTM standards or other procedures as approved by the Agency.
- 5) All laboratory quantitative analyses of samples to determine concentrations of any regulated substances or pesticides that require more exacting detection limits or cannot be analyzed by standard methods identified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, shall be conducted in accordance with analytical protocols developed in consultation with and approved by the Agency.

Section 740.420 Comprehensive Site Investigation

The comprehensive site investigation is designed to identify all recognized environmental conditions and all related contaminants of concern that may be expected to exist at a remediation site. The comprehensive site investigation shall be performed in two phases as set forth below.

- a) Unless an alternative is approved by the Agency, the phase I environmental site assessment shall be designed and implemented in accordance with the procedures for such assessments set forth in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-94), incorporated by reference at Section 740.125 of this Part.
- b) The phase II environmental site assessment shall determine the nature, concentration, direction and rate of movement, and extent of the contaminants of concern at the remediation site and the significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment. At a minimum, the phase II environmental site assessment shall include:
 - 1) Sampling, analyses, and field screening measurements indicating the concentrations of contaminants, if any, from the Target Compound List at Appendix A of this Part and any other contaminants whose presence has been indicated by the phase I environmental site assessment. Based on the phase I environmental site assessment, the Agency may add or delete

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contaminants from the Target Compound List for sampling, analyses, and field screening measurements;

- 2) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
 - A) The sources or potential sources of contamination;
 - B) The contaminants of concern;
 - C) Statutory or regulatory classification of the contaminants of concern and contaminated materials (e.g., hazardous waste, hazardous substance, special waste);

- 3) Characterization of the extent of contaminants of concern, identifying:
 - A) The actual contaminated medium or media;
 - B) The three-dimensional configuration of contaminants of concern with concentrations delineated; and
 - C) The nature, direction, and rate of movement of the contaminants of concern;

- 4) Characterization of present and post-remediation exposure routes, identifying:
 - A) All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release (from the recognized environmental conditions) and whether there is evidence of migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other spaces;
 - B) The locations of any human and environmental receptors and receptor exposure routes; and
 - C) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and

- 5) Characterization of significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment.

Section 740.425 Site Investigation Report -- Comprehensive Site Investigation

- a) Site investigation results for both phase I and phase II of the comprehensive site investigation shall be combined into one Site Investigation Report.
- b) A Site Investigation Report for a comprehensive site investigation shall include, but not be limited to, the following chapters:
 - 1) Executive summary. This chapter shall identify the objectives of

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the site investigation and the technical approach utilized to meet such objectives. It shall state whether recognized environmental conditions were identified and the data limitations in the assessment;

- 2) Site characterization. This chapter shall include the compilation of all sources reviewed and information obtained as a result of the site investigation under Section 740.420 of this Part, including but not limited to:
 - A) Sources consulted or reviewed. This subchapter shall contain a list of reference documents used in completing the site investigation;
 - B) Site history. This subchapter shall present a chronological summary of the historic uses of the remediation site as prescribed by "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-94), incorporated by reference at Section 740.125 of this Part;
 - C) Site description. This subchapter shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, existing and potential migration pathways and exposure routes, and current and post-remediation uses of the remediation site and surrounding areas that are immediately adjacent to the remediation site;

- D) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:
 - i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for any or all contaminants of concern;
 - ii) On-site and off-site injection and withdrawal wells; and
 - iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping; and
- E) A legal description or reference to a plat showing the boundaries of the remediation site;

- 3) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;
- 4) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
 - A) Narrative description of the field activities conducted during the investigation;

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- B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analyses) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
- C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 5) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern and compare the remediation site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:
- Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;
 - Describe all conditions the LPE has determined to be de minimis along with the rationale for each such de minimis determination;
 - Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
 - Describe the significant physical features of the transport and risk to human health, safety and the environment; and
 - Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under 35 Ill. Adm. Code 742;
- 6) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
- 7) Appendices. References and data sources, including but not limited to field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices; and
- 8) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

Section 740.430 Focused Site Investigation

The focused site investigation shall be performed where the RA has specified limitations on the recognized environmental conditions or contaminants of concern to be covered by the No Further Remediation Letter. At a minimum the focused site investigation shall include:

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- a) A remediation site evaluation to identify the following features as relevant to the focus of the investigation:
- Current and post-remediation use(s) of the remediation site and surrounding areas that are immediately adjacent to the remediation site;
 - Physical setting including features relevant to geologic, hydrogeologic, hydrologic, and topographic conditions; structures or other improvements on the remediation site; public thoroughfares adjoining the remediation site, as well as any roads, streets, and parking facilities on the remediation site; utilities located on or adjacent to the remediation site; source of potable water supply; and sewage disposal system;
 - The presence of containers and storage tanks containing the selected contaminants of concern, including contents, and assessment of leakage or potential for leakage; and
 - Any other environmental, geologic, geographic, hydrologic or physical conditions of concern at the remediation site and surrounding areas immediately adjacent to the remediation site;
- b) Review of reasonably obtainable records relevant to the recognized environmental conditions and the related contaminants of concern for the remediation site and areas immediately adjacent to the remediation site, records of environmental enforcement actions and their subsequent responses, any previous response actions conducted by either local, State, federal or private parties, and a list of documents and studies prepared for the remediation site;
- c) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
- The sources or potential sources of the contaminants of concern;
 - The sampling, analyses, and field screening measurements indicating the concentrations of the contaminants of concern; and
 - The statutory or regulatory classification of the contaminants of concern and contaminated materials (e.g., hazardous waste, hazardous substance, special waste);
- d) Characterization of the extent of the contaminants of concern, identifying:
- The actual contaminated medium or media of concern;
 - The three-dimensional configuration of the contaminants of concern with concentrations delineated; and
 - The nature, direction, and rate of movement of the contaminants of concern and degradation products;
- e) Characterization of current and post-remediation exposure routes, identifying:
- All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release from the recognized environmental conditions and whether there is evidence of

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migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other spaces;

- 2) The locations of any human and environmental receptors and receptor exposure routes; and
- 3) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and
- f) Characterization of significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety and the environment.

Section 740.435 Site Investigation Report -- Focused Site Investigation

a) Data and results from the focused site investigation shall be combined into one Site Investigation Report.

b) A Site Investigation Report for the focused site investigation shall include the results and methodologies of the investigation performed pursuant to Section 740.430 of this Part and the following chapters:

- 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state the recognized environmental conditions and related contaminants of concern specified by the RA and the data limitations in the assessment;
- 2) Site description.

A) If a phase I environmental site assessment has been completed in accordance with Section 740.420(a) of this Part, then the results may be submitted in accordance with Section 740.425 of this Part;

B) This subchapter shall state the method used for the evaluation of the remediation site and areas immediately adjacent to the remediation site and document the observations obtained (e.g., grid patterns or other systematic approaches used for large properties). It shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, and current and post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;

C) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:

- i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for the specified contaminants of concern;
- ii) On-site and off-site injection and withdrawal wells; and
- iii) All buildings, tanks, piles, utilities, paved areas,

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easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping;

- D) A legal description or reference to a plat showing the boundaries of the remediation site;

3) Enforcement or response actions. This chapter shall include the following information as relevant to the recognized environmental conditions:

A) A summary of environmental enforcement actions for the remediation site and areas immediately adjacent to the remediation site and their subsequent responses;

B) Any previous response actions conducted by either local, State, federal or private parties at those sites; and

C) A list of documents and studies prepared for those sites;

4) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;

5) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:

A) Narrative description of the field activities conducted during the investigation;

B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analysis) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and

C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;

6) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern related to the recognized environmental conditions and compare the site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:

A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;

B) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential

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contaminant fate and transport;

- C) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and

- D) Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under 35 Ill. Adm. Code 742;

- 7) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;

- 8) Appendices. Supporting documentation, references and data sources, including, but not limited to, field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices; and

- 9) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

Section 740.440 Determination of Remediation Objectives

- a) If the site investigation reveals evidence of the existence of one or more contaminants of concern, the RA shall develop remediation objectives in accordance with 35 Ill. Adm. Code 742 or other remediation measures as appropriate (e.g., removal of drums threatening a release).

- b) Where there will be no reliance on an institutional control to achieve compliance, or where an institutional control will be relied upon to limit site use to industrial/commercial use, compliance with remediation objectives shall be demonstrated as follows:

- 1) For groundwater remediation objectives:

- A) Sampling points shall be located on the remediation site in areas where, following site investigation under Subpart D of this Part, concentrations of contaminants of concern exceeded remediation objectives.

- B) Compliance with the groundwater remediation objectives at applicable sampling points shall be determined in accordance with 35 Ill. Adm. Code 742.225.

- 2) For soil remediation objectives:

- A) Sampling points shall be located on the remediation site in areas where, following site investigation under Subpart D of this Part, concentrations of concern exceeded remediation objectives.

- B) Compliance with soil remediation objectives at applicable sampling points shall be determined in accordance with 35 Ill. Adm. Code 742.225.

- c) Where an institutional control or remediation measure will be relied upon to achieve compliance, compliance shall be determined based on approval by the Agency of the institutional control or remediation measure and the timely implementation of the institutional control or

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remediation measure (e.g., if an institutional control prohibiting the use of groundwater within the boundaries of the remediation site as a potable water supply is obtained under 35 Ill. Adm. Code 742. Subpart J, sampling points shall be located at the boundary of the remediation site).

- d) Upon completing the determination of remediation objectives, the RA shall compile the information into a Remediation Objectives Report meeting the requirements of Section 740.445 of this Part for submittal to the Agency.

Section 740.445 Remediation Objectives Report

The Remediation Objectives Report shall address the recognized environmental condition(s) and related contaminants of concern that were identified in the site investigation conducted pursuant to this Part.

- a) If an exposure route is to be excluded, the RA shall prepare a Remediation Objectives Report demonstrating that the requirements for excluding an exposure route under 35 Ill. Adm. Code 742 have been satisfied.

- b) If the RA elects to use the Tier 1 remediation objectives under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report stating the applicable remediation objectives for the contaminants of concern.

- c) If the RA elects to develop remediation objectives appropriate for the remediation site using Tier 2 or Tier 3 procedures under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.

- d) If the RA elects to develop remediation objectives appropriate for the remediation site using the area background procedures under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.

- e) If the recognized environmental condition requires remediation measures other than, or in addition to, remediation objectives determined under 35 Ill. Adm. Code 742 (e.g., removal of drums threatening a release), the Remediation Objectives Report shall describe those measures and demonstrate that the measures selected:

- 1) Will prevent or eliminate the identified threat to human health and the environment;
- 2) Are technically feasible and can be implemented without creating additional threats to human health and the environment; and
- 3) Are not inconsistent with the Act and applicable regulations.

- f) *In the event that the Agency has determined in writing that the background level for a regulated substance or pesticide poses an acute threat to human health or the environment at the site when considering the post-remedial action land use, the RA shall develop appropriate risk-based remediation objectives in accordance with subsections (a), (b) and/or (c) above. (Section 58.5(b)(3) of the Act)*

- g) The Remediation Objectives Report shall contain the affirmation of a

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Licensed Professional Engineer(s) in accordance with Section 740.410 of this Part.

Section 740.450 Remedial Action Plan

If the approved remediation objectives for any regulated substance of concern established under Sections 740.440 and 740.445 of this Part are less than the levels at the remediation site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The plan shall describe the proposed remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the remediation site (Section 58.6(d) of the Act), including but not limited to:

- a) Executive summary. This chapter shall identify the objectives of the Remedial Action Plan and the technical approach utilized to meet such objectives. At a minimum, this chapter shall include the following elements:
 - 1) The major components (e.g., treatment, containment, removal actions) of the Remedial Action Plan;
 - 2) The scope of the problems to be addressed by the proposed remedial action(s) including the specific contaminants of concern and the physical area to be addressed by the Remedial Action Plan; and
 - 3) Schedule of activities;
- b) Statement of remediation objectives or reference to Remediation Objectives Report;
- c) Remedial technologies selected. This chapter shall describe how each major remedial technology identified in the Remedial Action Plan fits into the overall strategy for addressing the recognized environmental conditions at the remediation site, including but not limited to:
 - 1) Feasibility of implementation;
 - 2) Whether the technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
 - 3) Whether remediation objectives will be achieved within a reasonable period of time;
- d) Confirmation sampling plan. This chapter shall describe how the effectiveness of the remedial action will be measured. At a minimum, a site-specific sampling plan and quality assurance project plan must be prepared in accordance with the provisions set forth in Section 740.415(d) of this Part;
- e) Current and post-remediation use of the property;
- f) Applicable engineered barriers, institutional controls, and groundwater monitoring. This chapter shall describe any such controls selected or relied upon in determining or achieving remediation objectives, including long-term reliability, operating and maintenance plans, and monitoring procedures;
- g) Appendices. References and other informational sources should be incorporated into the appendices; and
- h) Licensed Professional Engineer affirmation in accordance with Section

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740.410 of this Part.

Section 740.455 Remedial Action Completion Report

- a) Except as provided in subsection (b) below, upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained. (Section 58.6(e)(1) of the Act) The report shall include, but not be limited to:
 - 1) Executive summary. This chapter shall identify the overall objectives of the remedial action and the technical approach utilized to meet those objectives, including:
 - A) A brief description of the remediation site, including the recognized environmental conditions, the contaminants of concern, the contaminated media, and the extent of contamination;
 - B) The major components of the Remedial Action Completion Report;
 - C) The scope of the problems corrected or mitigated by the proposed remedial action(s); and
 - D) The anticipated post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
 - 2) Field activities. This chapter shall provide a narrative description of the:
 - A) Field activities conducted during the investigation;
 - B) Remedial actions implemented at the remediation site and the performance of each remedial technology utilized;
 - 3) Special conditions. This chapter shall provide a description of any:
 - A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives;
 - B) Institutional controls accompanying engineered barriers or industrial/commercial property uses in accordance with Section 740.450 of this Part and 35 Ill. Adm. Code 742, including a legible copy of any such controls, as appropriate;
 - C) Post-remedial monitoring, including:
 - i) Conditions to be monitored;
 - ii) Purpose;
 - iii) Locations;
 - iv) Frequency; and
 - v) Contingencies in the event of an exceedance; and
 - D) Other conditions, if any, necessary for protection of human health and the environment that are related to the issuance of a No Further Remediation Letter;
 - 4) Results. This chapter shall analyze the effectiveness of the

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remedial actions by comparing the results of the confirmation sampling with the remediation objectives prescribed in the Agency-approved Remedial Action Plan. The data shall state the remediation objectives or reference the Remediation Objectives Report and be presented in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;

- 5) Conclusion. This chapter shall identify the success of the remedial action in meeting objectives. This chapter shall assess the accuracy and completeness of the data in the report and, if applicable, future work;
- 6) Appendices. References, data sources, and a completed environmental notice form as provided by the Agency shall be incorporated into the appendices. Field logs, well logs and reports of laboratory analyses shall be organized and presented logically; and
- 7) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

- b) If the approved remediation objectives for the regulated substances of concern established under Sections 740.440 and 740.445 of this Part are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such, including a description of any engineered barriers, institutional controls, and post-remedial monitoring, shall constitute the entire Remedial Action Completion Report for purposes of this Part. (Section 58.6(e)(2) of the Act)

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section 740.500 General

This Subpart sets forth the requirements for the review of plans and reports submitted under this Part. All plans and reports shall satisfy the requirements for form and delivery set forth in Section 740.410 of this Part.

Section 740.505 Reviews of Plans and Reports

- a) All reviews carried out under this Part shall be carried out by the Agency or a RELPE (Review and Evaluation Licensed Professional Engineer), both under the direction of a Licensed Professional Engineer. (Section 58.7(d) of the Act)
- b) Plans, reports and related activities which the Agency or a RELPE may review include, but are not limited to:
 - 1) Site Investigation Reports and related activities;
 - 2) Remediation Objectives Reports;
 - 3) Remedial Action Plans and related activities; and
 - 4) Remedial Action Completion Reports and related activities.

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(Section 58.7(d)(2) of the Act)

- c) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process, including those plans or reports reviewed by a RELPE. (Section 58.7(d)(3) of the Act)
- d) Except as provided in subsection (d)(5) below, the Agency shall have 60 days from the receipt of any plan or report to conduct a review and make a final determination to approve or disapprove the plan or report, or approve the plan or report with conditions. All reviews shall be based on the standards set forth in this Subpart E.
 - 1) The Agency's record of the date of receipt of a plan or report shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from the Agency or certified or registered mail.
 - 2) Submittal of an amended plan or report restarts the time for review.
 - 3) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.
 - 4) The Agency shall not be required to review any plan or report submitted out of the sequence for plans and reports set forth in this Part.
 - 5) If any plans or reports are submitted concurrently, the Agency's timeline for review shall increase to a total of 90 days for all plans or reports so submitted.
- e) Upon completion of the review, the Agency shall notify the RA in writing of its final determination on the plan or report. The Agency's notification shall be made in accordance with Section 740.215(b) of this Part. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification shall contain the following information, as applicable:
 - 1) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;
 - 2) A listing of the Sections of Title XVII of the Act or this Part that may be violated if the plan or report is approved as submitted;
 - 3) A statement of the specific reasons why Title XVII of the Act or this Part may be violated if the plan or report is approved as submitted;
 - 4) A statement of the reasons for conditions if conditions are required.
- f) The Agency may, to the extent consistent with review deadlines, provide the RA with a reasonable opportunity to correct deficiencies prior to sending a disapproval. However, the correction of such deficiencies by the submittal of additional information may, in the sole discretion of the Agency, restart the time for review.
- g) If the RA has entered into a contract with a RELPE under Subpart B of this Part, the Agency shall assign plans and reports submitted by the

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RA to the RELPE for initial review.

- 1) The RELPE's review shall be conducted in accordance with this Subpart E.
- 2) Upon completion of the review, the RELPE shall recommend to the Agency approval or disapproval of the plan or report or approval of the plan or report with conditions.
- 3) Unless otherwise approved by the Agency in writing, the RELPE shall have 30 days to complete the review of a plan or report and forward the recommendation to the Agency. If any plans or reports have been submitted concurrently to the Agency, the RELPE shall have a total of 45 days to complete the review of all plans or reports so submitted, unless otherwise approved by the Agency in writing.
- 4) The recommendation of the RELPE shall be in writing, shall include reasons supporting the RELPE's recommendation, and shall be accompanied by all documents submitted by the RA and any other information relied upon by the RELPE in reaching a decision.
- h) *If the Agency disapproves or approves with conditions a plan or report or fails to issue a final determination within the applicable review period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. (Section 58.7(d)(5) of the Act)*

Section 740.510 Standards for Review of Site Investigation Reports and Related Activities

When reviewing Site Investigation Reports and related activities, the Agency or the RELPE shall consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the site investigation activities;
- b) Whether the site investigation has been conducted in accordance with the procedures set forth in Title XVII of the Act and Subpart D of this Part, including but not limited to:
 - 1) Whether a comprehensive site investigation has been designed and implemented in accordance with Section 740.420 of this Part;
 - 2) Whether a focused site investigation has been designed and implemented in accordance with Section 740.430 of this Part; and
 - 3) Whether all sampling and analysis activities have been conducted in accordance with Section 740.415 of this Part; and
- c) *Whether the interpretations and conclusions reached are supported by the information gathered. (Section 58.7(e)(1) of the Act)*

Section 740.515 Standards for Review of Remediation Objectives Reports

When reviewing Remediation Objectives Reports, the Agency or the RELPE shall

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consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to determine whether the remediation objectives have been determined in accordance with 35 Ill. Adm. Code 742 and whether any other remediation objectives or remediation measures are necessary to minimize or eliminate any remaining risk presented by contaminants of concern;
 - b) *Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives (Section 58.7(e)(2) of the Act), including but not limited to:*
 - 1) If exposure routes have been excluded under 35 Ill. Adm. Code 742.Subpart C:
 - A) Whether the requirements for the exclusion of exposure routes under 35 Ill. Adm. Code 742 have been satisfied; and
 - B) Whether engineered barriers and institutional controls, if relied on for the exclusion of exposure routes, satisfy the requirements of 35 Ill. Adm. Code 742.
 - 2) *If the remediation objectives were based on the determination of area background levels under 35 Ill. Adm. Code 742.Subpart D:*
 - A) *Whether the review of current and historic conditions at the remediation site or in the immediate vicinity of the site has been thorough (Section 58.7(e)(2)(A) of the Act);*
 - B) *Whether the remediation site sampling and analysis have been performed in a manner resulting in accurate determinations as provided in 35 Ill. Adm. Code 742 and Section 740.415(d) of this Part (Section 58.7(e)(2)(A) of the Act);*
 - C) Whether the requirements for determining area background concentrations under 35 Ill. Adm. Code 742.Subpart D have been satisfied; and
 - D) Whether an area background level for a regulated substance of concern poses an acute threat to human health or the environment at the remediation site when considering the post-remediation property uses.
 - 3) If the remediation objectives were determined under 35 Ill. Adm. Code 742.Subpart E:
 - A) Whether the requirements for the use of Tier 1 under 35 Ill. Adm. Code 742 have been satisfied;
 - B) Whether the comparison of the concentrations of regulated substances of concern and the Tier 1 remediation objectives has been performed and the remediation objectives determined for the remediation site in accordance with 35 Ill. Adm. Code 742; and
 - C) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives or for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.
 - 4) If the remediation objectives were determined under 35 Ill. Adm.

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Code 742.Subparts F, G, and H:

- A) Whether the requirements for the use of Tier 2 under 35 Ill. Adm. Code 742 have been satisfied;
- B) Whether the calculations performed under 35 Ill. Adm. Code 742 were accurately performed (Section 58.7(e)(2)(B) of the Act);
- C) Whether the site specific data reflect actual remediation site conditions (Section 58.7(e)(2)(B) of the Act);
- D) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.

- 5) If the remediation objectives were determined under 35 Ill. Adm. Code 742.Subpart I:

- A) Whether the requirements for the use of Tier 3 under 35 Ill. Adm. Code 742 have been satisfied;
- B) Whether the calculations performed under 35 Ill. Adm. Code 742 were accurately performed (Section 58.7(e)(2)(C) of the Act);

- C) Whether the site specific data reflect actual remediation site conditions (Section 58.7(e)(2)(C) of the Act);

- D) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.

- 6) If a recognized environmental condition requires remediation measures other than, or in addition to, remediation objectives determined under 35 Ill. Adm. Code 742 (e.g., removal of drums threatening a release), whether the remediation measures selected:

- A) Will prevent or eliminate the identified threat to human health and the environment;
- B) Are technically feasible and can be implemented without creating additional threats to human health and the environment; and
- C) Are not inconsistent with the Act and applicable regulations.

- 7) If there are any remaining recognized environmental conditions not addressed in the determination of remediation objectives, whether those conditions have the potential to pose a significant threat to human health or the environment.

Section 740.520 Standards for Review of Remedial Action Plans and Related Activities

When reviewing Remedial Action Plans and related activities, the Agency or the RELPE shall consider:

- a) Whether the plan is complete and has been accompanied by the

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information and supporting documentation necessary to evaluate the effectiveness of the plan; and

- b) Whether the plan will result in compliance with Title XVII of the Act and this Part, including but not limited to:

- 1) The likelihood that the plan will result in the attainment of the applicable remediation objectives (Section 58.7(e)(3)(A) of the Act);
- 2) Whether the activities proposed are consistent with generally accepted engineering practices (Section 58.7(e)(3)(B) of the Act); and
- 3) The management of risk relative to any remaining contamination, including, but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on. (Section 58.7(e)(3)(C) of the Act)

Section 740.525 Standards for Review of Remedial Action Completion Reports and Related Activities

When reviewing Remedial Action Completion Reports and related activities, the Agency or the RELPE shall consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the implementation of the Remedial Action Plan and the attainment of the applicable remediation objectives;
- b) Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained (Section 58.7(e)(4) of the Act); and
- c) If engineered barriers and institutional controls have been relied on, or if monitoring is required, whether the long-term maintenance, operation and enforcement provisions have been established.

Section 740.530 Establishment of Groundwater Management Zones

- a) Except as provided in subsection (b) below, upon approval by the Agency of a Remedial Action Plan under Subpart E of this Part, groundwater that is the subject of the Remedial Action Plan shall automatically be classified as a groundwater management zone for the specified contaminants of concern.

- b) The three dimensional area of the groundwater management zone shall be deemed to be coextensive with the groundwater that is the subject of the Remedial Action Plan. The size of the groundwater management zone may be modified where new information and an amended and approved Remedial Action Plan warrant. Where the groundwater management zone extends across property boundaries, the written permission of the owners of the affected properties shall be obtained before the groundwater management zone becomes effective unless the affected

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- properties already are included within the remediation site.
- c) Groundwater management zones designated under this Section shall remain in effect until a No Further Remediation Letter becomes effective under this Part or an Agreement is terminated.
- d) While a groundwater management zone is in effect, the otherwise applicable standards from 35 Ill. Adm. Code 620 shall not be applicable to the contaminants of concern for which groundwater remediation objectives have been approved in the Remediation Objectives Report.
- e) If implementation of an approved Remedial Action Plan fails to achieve the remediation objectives developed under Section 740.440 of this Part, alternative groundwater objectives may be developed under Section 740.440 of this Part.
- 1) Upon the development of alternative groundwater objectives, the Remediation Objectives Report shall be amended accordingly and submitted for review and approval.
 - 2) Upon approval of the amended Remediation Objectives Report, the Remedial Action Plan shall be amended and submitted for review and approval unless the RA can demonstrate that the alternative groundwater objectives already have been achieved. In that case, the RA shall submit a Remedial Action Completion Report documenting the achievement of the alternative groundwater objectives.
 - f) While the No Further Remediation Letter is in effect, the otherwise applicable groundwater quality standards from 35 Ill. Adm. Code 620.Subpart D are superseded. The applicable groundwater quality standards for the specified contaminants of concern within the area formerly encompassed by the GMZ are the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.
 - g) While the No Further Remediation Letter is in effect, requirements for review, reporting and listing relative to groundwater remediation that may otherwise be applicable under 35 Ill. Adm. Code 620.250 and 620.450(a) shall not apply to the area formerly encompassed by the groundwater management zone and any contaminants of concern for which the groundwater management zone was formerly in effect under this Section.

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section 740.600 General

Subpart F provides for the issuance of No Further Remediation Letters following the satisfactory completion of investigative and remedial activities in accordance with Title XVII of the Act and this Part. Subpart F also sets forth the fee for the No Further Remediation Letter, the recording requirements, and the circumstances under which the letter may be voidable.

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Section 740.605 Issuance of No Further Remediation Letter

- a) Except as provided in Section 740.615 below, within 30 days after the Agency's approval of a Remedial Action Completion Report, the Agency shall issue a No Further Remediation Letter applicable to the remediation site. In the event that the Agency fails to issue the No Further Remediation Letter within 30 days after approval of the Remedial Action Completion Report, the No Further Remediation Letter shall issue by operation of law. (Section 58.10(b) of the Act) The No Further Remediation Letter shall have the legal effect prescribed in Section 58.10 of the Act.
- b) The No Further Remediation Letter shall be issued only to Remediation Applicants who have completed all requirements and received final approval of the Remedial Action Completion Report by the Agency or on appeal.
- c) The Agency shall mail the No Further Remediation Letter by registered or certified mail, post-marked with a date stamp and with return receipt requested. If the RA is not the sole owner of the Remediation Site, the Agency shall send a copy of the No Further Remediation Letter simultaneously to the owner(s) by first class mail. Final action shall be deemed to have taken place on the post-marked date that the letter is mailed.

Section 740.610 Contents of No Further Remediation Letter

- a) Except as provided in subsection (b) below, a No Further Remediation Letter issued pursuant to Section 58.10 of the Act shall be limited to and include all of the following:
- 1) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;
 - 2) A description of the remediation site by adequate legal description or by reference to a plan showing the boundaries;
 - 3) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;
 - 4) A statement that the Agency's issuance of the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the site does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter. If the remediation site includes a portion of a larger parcel of property or if the RA has elected to limit the recognized environmental conditions and related contaminants of concern to be remediated, or both, the No Further Remediation Letter shall be limited accordingly by its terms;
 - 5) The prohibition against the use of any remediation site in a

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manner inconsistent with any land use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;

- 6) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;
- 7) The recording obligations pursuant to Title XVII of the Act and Section 740.620 of this Part;
- 8) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and Section 740.620(c) of this Part; and
- 9) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]. (Section 58.10(b)(1) - (9) of the Act)
- b) If only a portion of the site or only selected regulated substances or pesticides at a site were the subject of corrective action, the No Further Remediation Letter may contain any other provisions agreed to by the Agency and the RA. (Section 58.10(b)(10) of the Act)

Section 740.615 Payment of Fees

- a) The Agency may deny a No Further Remediation Letter if fees applicable under the Review and Evaluation Services Agreement have not been paid in full. (Section 58.10(c) of the Act) The manner of payment shall be in accordance with Section 740.320 of this Part.
- b) In addition to the fees applicable under the Review and Evaluation Services Agreement, the recipient of the No Further Remediation Letter shall forward to the Agency a No Further Remediation Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred for the site by the Agency under the Agreement. (Section 58.10(g) of the Act)
 - 1) The No Further Remediation Assessment shall be mailed or delivered to the Agency at the address designated by the Agency on the request for payment service forms no later than 45 days following the receipt of the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.
 - 2) The No Further Remediation Assessment shall be made by check or money order payable to "Treasurer - State of Illinois for Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number as assigned and the Federal Employer Identification Number or Social Security Number of the RA.
 - 3) The No Further Remediation Letter shall be voidable in accordance

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with Section 740.625 if the No Further Remediation Assessment is not paid within 45 days after the receipt of the request for payment.

Section 740.620 Duty to Record No Further Remediation Letter

- a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Title XVII of the Act and this Subpart F shall submit the letter, and, where the RA is not the sole owner of the remediation site, an owner certification in accordance with subsection (d) below, to the Office of the Recorder or the Registrar of Titles of the county in which the remediation site is located within 45 days after receipt of the letter. (Section 58.8(a) of the Act)
 - 1) The Office of the Recorder or the Registrar of Titles shall accept and record that letter and, where applicable, the owner certification under subsection (d) below in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. (Section 58.8(a) of the Act)
 - 2) In the event that a No Further Remediation Letter issues by operation of law pursuant to Title XVII of the Act and this Subpart F, the RA may record an affidavit stating that the letter issued by operation of law. (Section 58.8(d) of the Act)
- Attached to the affidavit shall be the following information:
- A) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;
 - B) A description of the location of the remediation site by adequate legal description or by reference to a plat showing its boundaries;
 - C) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;
 - D) A statement that the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the following, as identified in the scope of work and the approved Remedial Action Plan, does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter:
 - i) The remediation site;
 - ii) Selected recognized environmental conditions and related contaminants of concern at the remediation site; and
 - iii) A combination of (D)(i) or (D)(ii) above;
 - E) The prohibition against the use of any remediation site in a manner inconsistent with any property use limitation imposed

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as a result of such remediation efforts without additional appropriate remedial activities;

F) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;

G) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and subsection (c) below;

H) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and

I) An owner certification in accordance with subsection (d) below, where applicable.

A No Further Remediation Letter or the affidavit filed under subsection (a)(2) above shall not become effective until officially recorded along with the owner certification under subsection (d) below, where applicable, in accordance with subsection (a) above. (Section 58.8(b) of the Act) The RA shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter or affidavit and the owner certification under subsection (d) below, where applicable, demonstrating that the recording requirements have been satisfied.

At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with Title XVII of the Act and this Part. (Section 58.8(c) of the Act)

Where the RA is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The certification shall be recorded in accordance with this Section, along with the No Further Remediation Letter or an affidavit under subsection (a)(2) above. The certification shall read as follows:

I hereby certify that I have reviewed the attached No Further Remediation Letter [or "affidavit" if filed under subsection (a)(2) above], and that I accept the terms and conditions and any land use limitations set forth in the letter [or "affidavit"].

Section 740.625 Voidance of No Further Remediation Letter

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a) The No Further Remediation Letter shall be voidable if the remediation site activities are not managed in full compliance with the provisions of Title XVII of the Act, this Part, or the approved Remedial Action Plan or remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in voidance of the No Further Remediation Letter include, but shall not be limited to:

- 1) Any violation of institutional controls or land use restrictions, if applicable;
 - 2) The failure of the owner, operator, RA, or any subsequent transferee to operate and maintain preventive or engineering controls or to comply with a groundwater monitoring plan, if applicable;
 - 3) The disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - 4) The failure to comply with the recording requirements of Title XVII of the Act and Section 740.620 of this Part;
 - 5) Obtaining the No Further Remediation Letter by fraud or misrepresentation;
 - 6) Subsequent discovery of contaminants not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based, that pose a threat to human health or the environment;
 - 7) The failure to pay the No Further Remediation Assessment required under Section 740.615(b) of this Part. (Section 58.10(e) of the Act)
 - 8) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within 45 days after receiving a request for final payment under Section 740.310 of this Part.
- b) If the Agency seeks to void a No Further Remediation Letter, it shall provide notice to the current title holder of the remediation site and to the RA at his or her last known address. (Section 58.10(f) of the Act)
- 1) The notice shall specify the cause for the voidance and describe facts in support of that cause. (Section 58.10(f) of the Act)
 - 2) The Agency shall mail notices of voidance by registered or certified mail, date stamped with return receipt requested.
- c) Within 35 days after the receipt of the Notice of Voidance, the RA or current title holder of the remediation site may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act. If the Board fails to take final action within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of the Act. The Agency shall have the burden of proof in

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any such action. (Section 58.10(f)(1) of the Act)

- 1) If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision reached by the Board or courts. (Section 58.10(f)(3) of the Act)

A) Upon receiving a notice of appeal, the Agency shall file a notice of its pendency with the Office of the Recorder or the Registrar of Titles for the county in which the remediation site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site. (Section 58.10(f)(4) of the Act)

B) If the Agency's action is not upheld on appeal, the notice of its pendency shall be removed in accordance with Illinois law within 45 days after receipt of the final decision of the Board or the courts. (Section 58.10(f)(4) of the Act)

- 2) If the Agency's action is not appealed, the Agency shall submit the notice of voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. (Section 58.10(f)(2) of the Act)

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Section 740. APPENDIX A Target Compound List

Section 740. TABLE A Volatile Organics Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (ug/L)	Soil (ug/Kg)	Method
74-87-3	Chloromethane	10	10	8260A
74-83-9	Bromomethane	10	10	8260A
75-01-4	Vinyl Chloride	10	10	8260A
75-00-3	Chloroethane	10	10	8260A
75-09-2	Methylene Chloride	10	10	8260A
67-64-1	Acetone	10	10	8260A
75-15-0	Carbon Disulfide	10	10	8260A
75-35-4	1,1-Dichloroethene	10	10	8260A
75-34-3	1,1-Dichloroethane	10	10	8260A
540-59-0	1,2-Dichloroethene (total)	10	10	8260A
67-66-3	Chloroform	10	10	8260A
107-06-2	1,2-Dichloroethane	10	10	8260A
78-93-3	2-Butanone	10	10	8260A
71-55-6	1,1,1-Trichloroethane	10	10	8260A
56-23-5	Carbon Tetrachloride	10	10	8260A
75-27-4	Bromodichloromethane	10	10	8260A
78-87-5	1,2-Dichloropropane	10	10	8260A
10061-01-5	cis-1,3-Dichloropropene	10	10	8260A
79-01-6	Trichloroethene	10	10	8260A
124-48-1	Dibromochloromethane	10	10	8260A
79-00-5	1,1,2-Trichloroethane	10	10	8260A
71-43-2	Benzene	10	10	8260A
10061-02-6	trans-1,3-Dichloropropene	10	10	8260A
75-25-2	Bromoform	10	10	8260A
108-10-1	4-Methyl-2-pentanone	10	10	8260A
591-78-6	2-Hexanone	10	10	8260A
127-18-4	Tetrachloroethene	10	10	8260A
108-88-3	Toluene	10	10	8260A
79-34-5	1,1,2,2-Tetrachloroethane	10	10	8260A
108-90-7	Chlorobenzene	10	10	8260A
100-41-4	Ethylbenzene	10	10	8260A
100-42-5	Styrene	10	10	8260A
1330-20-7	Xylenes (total)	10	10	8260A

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample. The laboratory shall report nonsurrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

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Section 740. TABLE B Semivolatile Organic Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (ug/L)	Soil (ug/Kg)	Method
108-95-2	Phenol	10	660	8270A
111-44-4	bis(2-Chloroethyl) ether	10	660	8270A
95-57-8	2-Chlorophenol	10	660	8270A
95-50-1	1,2-Dichlorobenzene	10	660	8270A
541-73-1	1,3-Dichlorobenzene	10	660	8270A
106-46-7	1,4-Dichlorobenzene	10	660	8270A
95-48-7	2-Methylphenol	10	660	8270A
108-60-1	2,2'-oxybis (1-chloropropane)	10	660	8270A
106-44-5	4-Methylphenol	10	660	8270A
621-64-7	N-Nitroso-di-n-propylamine	10	660	8270A
67-72-1	Hexachloroethane	10	660	8270A
98-95-3	Nitrobenzene	10	660	8270A
78-59-1	Isophorone	10	660	8270A
88-75-5	2-Nitrophenol	10	660	8270A
105-67-9	2,4-Dimethylphenol	10	660	8270A
120-82-1	1,2,4-Trichlorobenzene	10	660	8270A
91-20-3	Naphthalene	10	660	8270A
106-47-8	4-Chloroaniline	10	660	8270A
87-68-3	Hexachlorobutadiene	10	660	8270A
59-50-7	4-Chloro-3-methylphenol	10	660	8270A
91-57-6	2-Methylnaphthalene	10	660	8270A
77-47-4	Hexachlorocyclopentadiene	10	660	8270A
88-06-2	2,4,6-Trichlorophenol	10	660	8270A
95-96-4	2,4,5-Trichlorophenol	25	1600	8270A
91-58-7	2-Chloronaphthalene	10	660	8270A
88-74-4	2-Nitroaniline	25	1600	8270A
131-11-3	Dimethylphthalate	10	660	8270A
208-96-8	Acenaphthalene	10	660	8270A
606-20-2	2,6-dinitrotoluene	10	660	8270A
99-09-2	3-Nitroaniline	25	1600	8270A
83-32-9	Acenaphthene	10	660	8270A
51-28-5	2,4-Dinitrophenol	25	1600	8270A
100-02-7	4-Nitrophenol	25	1600	8270A
132-64-9	Dibenzofuran	10	330	8270A
121-14-2	2,4-Dinitrotoluene	10	330	8270A
84-66-2	Diethylphthalate	10	330	8270A
7005-72-3	4-Chlorophenyl-phenyl ether	10	330	8270A
86-73-7	Fluorine	10	330	8270A
100-01-6	4-Nitroaniline	25	1600	8270A
534-52-1	4,6-Dinitro-2-methylphenol	25	1600	8270A

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86-30-6	N-nitrosodiphenylamine	10	330	8270A
101-55-3	4-Bromophenyl-phenyl ether	10	330	8270A
118-74-1	Hexachlorobenzene	10	330	8270A
87-86-5	Pentachlorophenol	25	1600	8270A
85-01-8	Phenanthrene	10	660	8270A
120-12-7	Anthracene	10	660	8270A
86-74-8	Carbazole	10	660	8270A
84-74-2	Di-n-butylphthalate	10	660	8270A
206-44-0	Fluoranthene	10	660	8270A
129-00-0	Pyrene	10	660	8270A
85-68-7	Butylbenzylphthalate	10	660	8270A
91-94-1	3,3'-Dichlorobenzidine	10	660	8270A
56-55-3	Benzo(a)anthracene	10	660	8270A
218-01-9	Chrysene	10	660	8270A
117-81-7	bis(2-Ethylhexyl)phthalate	10	660	8270A
117-84-0	Di-n-octylphthalate	10	660	8270A
205-99-2	Benzo(b)fluoranthene	10	660	8270A
207-08-9	Benzo(k)fluoranthene	10	660	8270A
50-32-8	Benzo(a)pyrene	10	660	8270A
193-39-5	Indeno(1,2,3-cd)pyrene	10	660	8270A
53-70-3	Dibenz(a,h)anthracene	10	660	8270A
191-24-2	Benzo(g,h,i)perylene	10	660	8270A

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample. This is based on a 30-gram sample and GPC cleanup. The laboratory shall report non surrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

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Section 740. TABLE C Pesticide and Aroclors Organic Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (ug/L)	Soil (ug/Kg)	Method
319-84-6	alpha-BHC	0.05	8.0	8081
319-85-7	beta-BHC	0.05	8.0	8081
319-86-8	delta-BHC	0.05	8.0	8081
58-89-9	gamma-BHC	0.05	8.0	8081
76-44-8	Heptachlor	0.05	8.0	8081
309-00-2	Aldrin	0.05	8.0	8081
1024-57-3	Heptachlor epoxide	0.05	8.0	8081
959-98-8	Endosulfan I	0.05	8.0	8081
60-57-1	Dieldrin	0.10	16.0	8081
72-55-9	4,4'-DDE	0.10	16.0	8081
72-20-8	Endrin	0.10	16.0	8081
33213-65-9	Endosulfan II	0.10	16.0	8081
72-54-8	4,4'-DDD	0.10	16.0	8081
1031-07-8	Endosulfan sulfate	0.10	16.0	8081
50-29-3	4,4'-DDT	0.10	16.0	8081
72-43-5	Methoxychlor	0.50	80.0	8081
53494-70-5	Endrin ketone	0.10	16.0	8081
7421-93-4	Endrin aldehyde	0.10	16.0	8081
5103-71-9	alpha-Chlordane	0.50	80.0	8081
5566-34-7	gamma-Chlordane	0.50	80.0	8081
8001-35-2	Toxaphene	1.0	160.0	8081
12674-11-2	Aroclor - 1016	0.50	80.0	8081
11104-28-2	Aroclor - 1221	0.50	80.0	8081
11141-16-5	Aroclor - 1232	0.50	80.0	8081
53469-21-9	Aroclor - 1242	0.50	80.0	8081
12672-29-6	Aroclor - 1248	0.50	80.0	8081
11097-69-1	Aroclor - 1254	1.0	160.0	8081
111096-82-5	Aroclor - 1260	1.0	160.0	8081

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample.

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Section 740. TABLE D Inorganic Analytical Parameters and Required Quantitation Limits

CAS No.	Analyte	Water (ug/L)	Soil (mg/Kg)	Method
7429-90-5	Aluminum	200	40	6010A
7440-36-0	Antimony	60	12	6010A
7440-38-2	Arsenic	10	2	7060A/7061A/ 7062
7440-39-3	Barium	200	40	6010A
7440-41-7	Beryllium	5	1	6010A
7440-43-9	Cadmium	5	1	6010A
7440-70-2	Calcium	5000	1000	6010A
7440-47-3	Chromium	10	2	6010A
7440-48-4	Cobalt	50	10	6010A
7440-50-8	Copper	25	5	6010A
7439-89-6	Iron	100	20	6010A
7439-92-1	Lead	3	0.6	7421
7239-95-4	Magnesium	5000	1000	6010A
7439-96-5	Manganese	15	3	6010A
7439-97-6	Mercury	0.2	0.04	7470A/7471A
7440-02-0	Nickel	40	8	6010A
7440-09-7	Potassium	5000	1000	6010A
7782-49-2	Selenium	5	1	7740A/7741A/ 7742
7440-22-4	Silver	10	2	6010A
7440-23-5	Sodium	5000	1000	6010A
7440-28-0	Thallium	10	2	7841
7440-62-2	Vanadium	50	10	6010A
7440-66-6	Zinc	20	4	6010A
57-12-5	Cyanide	10	2	9012

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample.

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Section 740.APPENDIX B Review and Evaluation Licensed Professional Engineer Information

- Firm name.
- Address.
- Telephone/fax.
- Principal officials and titles.
- Number of full-time employees.
- Business structure (corporation, partnership, LLP, LLC, PSC).
- Licensed by Secretary of State? # _____
- Licensed by Dept. of Professional Regulation? # _____
- Name of Illinois Registered Managing Agent.
- Names of insurance carriers and amount of coverage: _____
- Worker's Compensation: _____
- General Liability: _____
- Professional Liability: _____
- Does the stated professional liability policy include coverage for "environmental" claims related to release of pollutants? If not covered, or covered by a different carrier or in a different amount, so state.
- Has the firm or owners ever filed bankruptcy? If "yes," state when and explain.
- Is the firm an outgrowth, result, continuation or reorganization of a former business? If "yes," explain background.
- List RELPEs and other key full-time employees that will participate on this project with the RELPE. Provide resumes for each, including Illinois P.E. License #, certifications, project role, years of experience in related work and education.
- List five projects similar in nature and identify the role of the RELPE.
- Are employees to be assigned to the project in compliance with 29 CFR 1910.120 (HAZWOPER training and medical surveillance) as applicable to their role on the project?

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1) Heading of the Part: Tiered Approach to Corrective Action Objectives2) Code Citation: 35 Ill. Adm. Code 7423) Section Numbers: Adopted Action:

742.100	New
742.105	New
742.110	New
742.115	New
742.120	New
742.120	New
742.200	New
742.205	New
742.210	New
742.215	New
742.220	New
742.225	New
742.230	New
742.300	New
742.305	New
742.310	New
742.315	New
742.320	New
742.400	New
742.405	New
742.410	New
742.415	New
742.500	New
742.505	New
742.510	New
742.600	New
742.605	New
742.610	New
742.700	New
742.705	New
742.710	New
742.715	New
742.720	New
742.800	New
742.805	New
742.810	New
742.900	New
742.905	New
742.910	New
742.915	New
742.920	New
742.925	New
742.930	New
742.1000	New

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742.1005 New
 742.1010 New
 742.1015 New
 742.1020 New
 742.1100 New
 742.1105 New
 APPENDIX A New
 ILLUSTRATION A New
 ILLUSTRATION B New
 TABLE A New
 TABLE B New
 TABLE C New
 TABLE D New
 TABLE E New
 TABLE F New
 TABLE G New
 APPENDIX B New
 ILLUSTRATION A New
 TABLE A New
 TABLE B New
 TABLE C New
 TABLE D New
 TABLE E New
 TABLE F New
 APPENDIX C New
 ILLUSTRATION A New
 ILLUSTRATION B New
 ILLUSTRATION C New
 TABLE A New
 TABLE B New
 TABLE C New
 TABLE D New
 TABLE E New
 TABLE F New
 TABLE G New
 TABLE H New
 TABLE I New
 TABLE J New
 TABLE K New

- 4) Statutory Authority: 415 ILCS 5/27, 28 and 28.11(c) No
- 5) Effective Date of Amendments: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes, this Part includes a number of incorporations by reference at Section 742.210. The

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incorporations by reference include, among other things, references to American Society for Testing and Materials (ASTM) documents, United States Environmental Protection Agency (USEPA) guidelines, and National Technical Information Services (NTIS) documents.

- 8) Date filed in Board's principal office: The final opinion and order was adopted in R97-12(A) on June 5, 1997.
- 9) Notice of proposal published in Illinois Register: 20 Ill. Reg. 15429; December 6, 1996
- 10) Has JCER issued a statement of objection to these rules? No
- 11) Differences between proposal and final version: The Board made several substantive amendments to the original proposed rules in Part 742.

First, in Section 742.200, the Board modified the definitions of "residential property", "construction worker population", "highway", "highway authority", "right of way", and "Synthetic Precipitation Leaching Procedure (SPLP)". Of particular note is that the definition of residential property has been changed to the following: "Residential property means any real property that is used for habitation by individuals, or where children have an opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas." Further, at the request of the Board, the Illinois Department of Transportation (IDOT) introduced into the record definitions of "highway", "highway authority" and "right of way". Finally, the Board adopted the definition of "SPLP", a procedure utilized in determining remediation objectives.

Second, in Section 742.510, the Board amended the proposed rule to allow for alternative tests for setting remediation objectives for inorganics.

Third, the Board found that with regard to Section 742.610, the record does not contain adequate information to decide whether to adopt new provisions regarding mixtures of similar-acting carcinogenic chemicals. In light of this conclusion, the Board decided to open a new docket to address the proposed rules regarding mixtures of similar-acting substances.

Fourth, in Section 742.505(b)(3), the Board decided that the record contained enough information to warrant adding additional language regarding mixtures of similar-acting noncarcinogenic chemicals. New language appears in the text of the rule at 742.505(b)(3).

Fifth, in Section 742.810, the Board decided to correct the Risk Based Corrective Action Equations R26 and R15. In addition, the Board decided

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to add the word "designated" before the word "maximum" in this Section. Finally, the Board modified the proposed language at Section 742.810(b)(1) to clarify the procedure for demonstrating that no existing potable water supply is adversely affected by a remediation site. The revisions to subsection (b)(1) require an applicant to calculate the distance "X" from the downgradient edge of the source to the point where the contaminant concentration is equal to the Tier 1 groundwater remediation objective or the Health Advisory concentration. If there are any potable water supply wells located within the distance X downgradient of the source, then the applicable groundwater remediation objectives must be at the edge of the minimum or designated maximum setback zone.

Sixth, in response to public comments regarding the transferability of institutional controls, the Board amended Section 742.1100 which provides that institutional controls are transferred with the property to which they apply.

Seventh, the Board struck Appendix D in its entirety as it found that the procedures it established were, in fact, rules. While this Appendix may be helpful to applicants using the TACO process, the Board concluded that it cannot adopt rules in an appendix.

In addition to the aforementioned amendments, the Board made numerous stylistic, editorial and grammatical changes to the rules for clarification purposes.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: This rulemaking is required by Section 56.11(c) of the Environmental Protection Act [415 ILCS 5/58.11(c)], as added by P.A. 89-431, and does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)]. P.A. 89-431 established a new Title XVII in the Environmental Protection Act, entitled "Site Remediation Program". It also directed the Environmental Protection Agency to propose, and the Board adopt, regulations and procedures for administration of the new site remediation program, including regulations establishing procedures for the development of risk-based corrective action objectives for remediation sites. Pursuant to P.A. 89-431, the Board is required to complete this rulemaking on or before July 1, 1997.

The proposed rules would establish procedures for developing corrective action objectives for soil and groundwater at remediation sites, based on

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risks to human health and the environment, taking into account the existing pathways for human exposure, and allowing consideration of the proposed land use for the remediation site. The proposed methodology consists of three possible levels, or tiers, of analysis.

A Tier 1 analysis requires the remediation applicant to compare contamination levels of constituents of concern at the remediation site to pre-determined remediation objectives. The pre-determined remediation objectives are listed in the adopted rules in Appendix B, Tables A through E. If any contaminants of concern at a remediation site are found to exceed the pre-determined levels, the remediation applicant would be required to remediate the contamination until the corrective action objectives are achieved, or alternatively, to develop site-specific remediation objectives using a Tier 2 or Tier 3 analysis.

A Tier 2 analysis uses equations set forth in the adopted rules to develop alternative remediation objectives for constituents of concern, using site-specific information. The equations used to develop site-specific remediation objectives are from the Soil Screening Level (SSL) and Risk Based Corrective Action (RBCA) approaches, and they are listed in the adopted rules at Appendix C, Tables A and C. If any contaminants of concern are found to exceed the remediation objectives developed using the Tier 2 equations, the remediation applicant would be required to develop alternative objectives using a Tier 3 analysis.

A Tier 3 analysis allows a remediation applicant to develop remediation objectives using alternative parameters not found in Tier 1 or Tier 2. It allows a remediation applicant to use modified parameters, provided the remediation applicant provides justification for the modification, and the technical and mathematical basis for the modification. Additionally, a Tier 3 analysis allows a remediation applicant to use alternative models if certain information is provided, including a licensed copy of the model and a demonstration that the model was correctly applied. If any contaminants of concern are found to exceed the remediation objectives developed using the Tier 3 analysis, the remediation applicant would be required to remediate the contamination until the objectives are achieved.

The adopted TACO rules would be applicable to all types of remedial actions, including those conducted pursuant to the new Site Remediation Program (known as Brownfields), the Underground Storage Tank (UST) Program and the Resource Conservation and Recovery Act (RCRA). The adopted tiered approach is a voluntary program and is intended to be used to develop remediation objectives for use in conducting remedial actions in accordance with the program-specific procedures established for each type of remedial action.

16) Information and questions regarding the adopted amendment shall be directed to:

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Amy Muran Felton, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-7011

Request for copies of the June 5, 1997 opinion should be addressed to
Victoria Agyeman at 312/814-3620 or at the above address and should
reference Docket R97-12(A).

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER f: RISK BASED CLEANUP OBJECTIVES

PART 742

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES

SUBPART A: INTRODUCTION

Section
742.100
742.105
742.110
742.115
742.120

Intent and Purpose
Applicability
Overview of Tiered Approach
Key Elements
Site Characterization

SUBPART B: GENERAL

Section
742.200
742.205
742.210
742.215
742.220
742.225
742.230

Definitions
Severability
Incorporations by Reference
Determination of Soil Attenuation Capacity
Determination of Soil Saturation Limit
Demonstration of Compliance with Remediation Objectives
Agency Review and Approval

SUBPART C: EXPOSURE ROUTE EVALUATIONS

Section
742.300
742.305
742.310
742.315
742.320

Exclusion of Exposure Route
Contaminant Source and Free Product Determination
Inhalation Exposure Route
Soil Ingestion Exposure Route
Groundwater Ingestion Exposure Route

SUBPART D: DETERMINING AREA BACKGROUND

Section
742.400
742.405
742.410
742.415

Area Background
Determination of Area Background for Soil
Determination of Area Background for Groundwater
Use of Area Background Concentrations

SUBPART E: TIER 1 EVALUATION

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Section

742.500 Tier 1 Evaluation Overview
 742.505 Tier 1 Soil and Groundwater Remediation Objectives
 742.510 Tier 1 Remediation Objectives

SUBPART F: TIER 2 GENERAL EVALUATION

Section

742.600 Tier 2 Evaluation Overview
 742.605 Land Use
 742.610 Chemical and Site Properties

SUBPART G: TIER 2 SOIL EVALUATION

Section

742.700 Tier 2 Soil Evaluation Overview
 742.705 Parameters for Soil Remediation Objective Equations
 742.710 SSL Soil Equations
 742.715 RBCA Soil Equations
 742.720 Chemicals with Cumulative Noncarcinogenic Effects

SUBPART H: TIER 2 GROUNDWATER EVALUATION

Section

742.800 Tier 2 Groundwater Evaluation Overview
 742.805 Tier 2 Groundwater Remediation Objectives
 742.810 Calculations to Predict Impacts from Remaining Groundwater Contamination

SUBPART I: TIER 3 EVALUATION

Section

742.900 Tier 3 Evaluation Overview
 742.905 Modifications of Parameters
 742.910 Alternative Models
 742.915 Formal Risk Assessments
 742.920 Impractical Remediation
 742.925 Exposure Routes
 742.930 Derivation of Toxicological Data

SUBPART J: INSTITUTIONAL CONTROLS

Section

742.1000 Institutional Controls
 742.1005 No Further Remediation Letters
 742.1010 Restrictive Covenants, Deed Restrictions and Negative Easements
 742.1015 Ordinances
 742.1020 Highway Authority Agreements

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SUBPART K: ENGINEERED BARRIERS

Section

742.1100 Engineered Barriers
 742.1105 Engineered Barrier Requirements

APPENDIX A General

ILLUSTRATION A Developing Soil Remediation Objectives Under the Tiered Approach

ILLUSTRATION B Developing Groundwater Remediation Objectives Under the Tiered Approach

TABLE A Soil Saturation Limits (C[sat]) for Chemicals Whose Melting Point is Less Than 30°C

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TABLE C Coefficients {A[N-I+1]} for W Test of Normality, for N=2(1)50

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ILLUSTRATION A Tier 1 Evaluation

TABLE A Tier 1 Soil Remediation Objectives for Residential Properties

TABLE B Tier 1 Soil Remediation Objectives for Industrial/Commercial Properties

TABLE C pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class I Groundwater)

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TABLE E Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route

TABLE F Values Used to Calculate the Tier 1 Soil Remediation Objectives for the Soil Component of the Groundwater Ingestion Route

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ILLUSTRATION C US Department of Agriculture Soil Texture Classification

TABLE A SSL Equations

TABLE B SSL Parameters

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TABLE E Default Physical and Chemical Parameters

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TABLE G Error Function (erf)

TABLE H Q/C Values by Source Area

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TABLE I K[oc] Values for Ionizing Organics as a Function of pH (cm(3)/g or L/kg)

TABLE J Values to be Substituted for k[s] When Evaluating Inorganics as a Function of pH (cm(3)/water]/g[soil])

TABLE K Parameter Estimates for Calculating Water-Filled Soil Porosity (Omega[w])

AUTHORITY: Implementing Sections 22.4, 22.12, Title XVI, and Title XVII and authorized by Sections 27, 57.14, and 58.5 of the Environmental Protection Act [415 ILCS 5/22.4, 22.12, Title XVI and Title XVII] (see P.A. 88-496, effective September 13, 1993 and P.A. 89-431, effective December 15, 1995).

SOURCE: Adopted at 21 Ill. Reg. 7942, effective July 1, 1997.

Note: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and the English words Alpha, Lambda and Omega are substituted for the Greek symbols because of computer program limitations.

SUBPART A: INTRODUCTION

Section 742.100 Intent and Purpose

- This Part sets forth procedures for evaluating the risk to human health posed by environmental conditions and developing remediation objectives that achieve acceptable risk levels.
- The purpose of these procedures is to provide for the adequate protection of human health and the environment based on the risks to human health posed by environmental conditions while incorporating site related information.

Section 742.105 Applicability

- Any person, including a person required to perform an investigation pursuant to the Illinois Environmental Protection Act [415 ILCS 5] (Act), may elect to proceed under this Part to the extent allowed by State or federal law and regulations and the provisions of this Part. A person proceeding under this Part may do so to the extent such actions are consistent with the requirements of the program under which site remediation is being addressed.
- This Part is to be used in conjunction with the procedures and requirements applicable to the following programs:
 - Leaking Underground Storage Tanks (35 Ill. Adm. Code 731 and 732);
 - Site Remediation Program (35 Ill. Adm. Code 740); and
 - RCRA Part B Permits and Closure Plans (35 Ill. Adm. Code 724 and 725).

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- The procedures in this Part may not be used if their use would delay response action to address imminent and substantial threats to human health and the environment. This Part may only be used after actions to address such threats have been completed.
- This Part may be used to develop remediation objectives to protect surface waters, sediments or ecological concerns, when consistent with the regulations of other programs, and as approved by the Agency.
- A no further remediation determination issued by the Agency prior to July 1, 1997 pursuant to Section 4(y) of the Act or one of the programs listed in subsection (b) of this Section that approves completion of remedial action relative to a release shall remain in effect in accordance with the terms of the determination.
- Site specific groundwater remediation objectives determined under this Part for contaminants of concern may exceed the groundwater quality standards established pursuant to the rules promulgated under the Illinois Groundwater Protection Act [415 ILCS 55] as long as done in accordance with Sections 742.805(a) and 742.900(c)(9). (See 415 ILCS 5/58.5(d)(4).)
- Where contaminants of concern include polychlorinated biphenyls (PCBs), a person may need to evaluate the applicability of regulations adopted under the Toxic Substances Control Act. (15 U.S.C. 2601)

Section 742.110 Overview of Tiered Approach

- This Part presents an approach for developing remediation objectives (see Appendix A, Illustrations A and B) that include an option for exclusion of pathways from further consideration, use of area background concentrations as remediation objectives and three tiers for selecting applicable remediation objectives. An understanding of human exposure routes is necessary to properly conduct an evaluation under this approach. In some cases, applicable human exposure route(s) can be excluded from further consideration prior to any tier evaluation. Selecting which tier or combination of tiers to be used to develop remediation objectives is dependent on the site-specific conditions and remediation goals. Tier 1 evaluations and Tier 2 evaluations are not prerequisites to conducting Tier 3 evaluations.
- A Tier 1 evaluation compares the concentration of contaminants detected at a site to the corresponding remediation objectives for residential and industrial/commercial properties contained in Appendix B, Tables A, B, C, D and E. To complete a Tier 1 evaluation, the extent and concentrations of the contaminants of concern, the groundwater class, the land use classification, human exposure routes at the site, and, if appropriate, soil pH, must be known. If remediation objectives are developed based on industrial/commercial property use, then institutional controls under Subpart J are required.
- A Tier 2 evaluation uses the risk-based equations from the Soil Screening Level (SSL) and Risk Based Corrective Action (RBCA)

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approaches listed in Appendix C, Tables A and C, respectively. In addition to the information that is required for a Tier 1 evaluation, site-specific information is used to calculate Tier 2 remediation objectives. As in Tier 1, Tier 2 evaluates residential and industrial/commercial properties only. If remediation objectives are developed based on industrial/commercial property use, then institutional controls under Subpart J are required.

d) A Tier 3 evaluation allows alternative parameters and factors, not available under a Tier 1 or Tier 2 evaluation, to be considered when developing remediation objectives. Remediation objectives developed for conservation and agricultural properties can only be developed under Tier 3.

e) Remediation objectives may be developed using area background concentrations or any of the three tiers if the evaluation is conducted in accordance with applicable requirements in Subparts D through I. When contaminant concentrations do not exceed remediation objectives developed under one of the tiers or area background procedures under Subpart D, further evaluation under any of the other tiers is not required.

Section 742.115 Key Elements

To develop remediation objectives under this Part, the following key elements shall be addressed.

a) Exposure Routes

1) This Part identifies the following as potential exposure routes to be addressed:

- A) Inhalation;
- B) Soil ingestion;
- C) Groundwater ingestion; and
- D) Dermal contact with soil.

2) The evaluation of exposure routes under subsections (a)(1)(A), (a)(1)(B) and (a)(1)(C) of this Section is required for all sites when developing remediation objectives or excluding exposure pathways. Evaluation of the dermal contact exposure route is required for use of RBCA equations in Appendix C, Table C or use of formal risk assessment under Section 742.915.

3) The groundwater ingestion exposure route is comprised of two components:

- A) Migration from soil to groundwater (soil component); and
- B) Direct ingestion of groundwater (groundwater component).

b) Contaminants of Concern

The contaminants of concern to be remediated depend on the following:

- 1) The materials and wastes managed at the site;
- 2) The extent of the no further remediation determination being requested from the Agency pursuant to a specific program; and
- 3) The requirements applicable to the specific program, as listed at Section 742.105(b), under which the remediation is being

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c) Land Use

The present and post-remediation uses of the site where exposures may occur shall be evaluated. The land use of a site, or portion thereof, shall be classified as one of the following:

- 1) Residential property;
- 2) Conservation property;
- 3) Agricultural property; or
- 4) Industrial/commercial property.

Section 742.120 Site Characterization

Characterization of the extent and concentrations of contamination at a site shall be performed before beginning development of remediation objectives. The actual steps and methods taken to characterize a site are determined by the requirements applicable to the specific program under which site remediation is being addressed.

SUBPART B: GENERAL

Section 742.200 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Act.

"Act" means the Illinois Environmental Protection Act (415 ILCS 5).

"ADL" means Acceptable Detection Limit, which is the detectable concentration of a substance which is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Agency" means the Illinois Environmental Protection Agency.

"Agricultural Property" means any real property for which its present or post-remediation use is for growing agricultural crops for food or feed either as harvested crops, cover crops or as pasture. This definition includes, but is not limited to, properties used for confinement or grazing of livestock or poultry and for silviculture operations. Excluded from this definition are farm residences, farm outbuildings and agricultural facilities.

"Area Background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site. (Section 58.2 of the Act)

"ASTM" means the American Society for Testing and Materials.

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"Board" means the Illinois Pollution Control Board.

"Cancer Risk" means a unitless probability of an individual developing cancer from a defined exposure rate and frequency.

"Cap" means a barrier designed to prevent the infiltration of precipitation or other surface water, or impede the ingestion or inhalation of contaminants.

"Carcinogen" means a contaminant that is classified as a category A1 or A2 carcinogen by the American Conference of Governmental Industrial Hygienists; a category I or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; a "human carcinogen" or "anticipated human carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a category A or B1/B2 carcinogen by the United States Environmental Protection Agency in the integrated risk information system or a final rule issued in a Federal Register notice by the USEPA. (Section 58.2 of the Act)

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Class II Groundwater" means groundwater that meets the Class II: General Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Conservation Property" means any real property for which present or post-remediation use is primarily for wildlife habitat.

"Construction Worker" means a person engaged on a temporary basis to perform work involving invasive construction activities including, but not limited to, personnel performing demolition, earth-moving, building, and routine and emergency utility installation or repair activities.

"Contaminant of Concern" or "Regulated Substance of Concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the person conducting a remediation based upon reasonable inquiry. (Section 58.2 of the Act)

"Engineered Barrier" means a barrier designed or verified using engineering practices that limits exposure to or controls migration of the contaminants of concern.

"Exposure Route" means the transport mechanism by which a contaminant

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of concern reaches a receptor.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.64 of the Act)

"Groundwater Quality Standards" means the standards for groundwater as set forth in 35 Ill. Adm. Code 620.

"Hazard Quotient" means the ratio of a single substance exposure level during a specified time period to a reference dose for that substance derived from a similar exposure period.

"Highway" means any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street". (Illinois Highway Code [605 ILCS 5/2-202])

"Highway Authority" means the Department of Transportation with respect to a State highway; the County Board with respect to a county highway or a county unit district road if a discretionary function is involved and the County Superintendent of Highways if a ministerial function is involved; the Highway Commissioner with respect to a township or district road not in a county unit road district; or the corporate authorities of a municipality with respect to a municipal street. (Illinois Highway Code [605 ILCS 5/2-213])

"Human Exposure Pathway" means a physical condition which may allow for a risk to human health based on the presence of all of the following: contaminants of concern; an exposure route; and a receptor activity at the point of exposure that could result in contaminant of concern intake.

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"Industrial/Commercial Property" means any real property that does not meet the definition of residential property, conservation property or agricultural property.

"Infiltration" means the amount of water entering into the ground as a result of precipitation.

"Institutional Control" means a legal mechanism for imposing a restriction on land use, as described in Subpart J.

"Man-Made Pathways" means constructed physical conditions that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas. (Section 58.2 of the Act)

"Natural Pathways" means natural physical conditions that may allow for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses. (Section 58.2 of the Act)

"Negative Easement" means a right of the owner of the dominant or benefitted estate or property to restrict the property rights of the owner of the servient or burdened estate or property.

"Person" means an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body including the United States government and each department, agency, and instrumentality of the United States. (Section 58.2 of the Act)

"Point of Human Exposure" means the point(s) at which human exposure to a contaminant of concern may reasonably be expected to occur. The point of human exposure is at the source, unless an institutional control limiting human exposure for the applicable exposure route has been or will be in place, in which case the point of human exposure will be the boundary of the institutional control. Point of human exposure may be at a different location than the point of compliance.

"PQL" means practical quantitation limit or estimated quantitation limit, which is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference in Section 742.210. When applied to

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filtered water samples, PQL includes the method detection limit or estimated detection limit in accordance with the applicable method revision in: "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference in Section 742.210.

"RBCA" means Risk Based Corrective Action as defined in ASTM E-1739-95, as incorporated by reference in Section 742.210.

"RCRA" means the Resource Conservation and Recovery Act of 1976. (42 U.S.C. 6921)

"Reference Concentration (RfC)" means an estimate of a daily exposure, in units of milligrams of chemical per cubic meter of air (mg/m³), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Reference Dose (RfD)" means an estimate of a daily exposure, in units of milligrams of chemical per kilogram of body weight per day (mg/kg/d), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Regulated Substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)

"Residential Property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities child care facilities or outdoor recreational areas.

"Restrictive Covenant or Deed Restriction" means a provision placed in a deed limiting the use of the property and prohibiting certain uses. (Black's Law Dictionary, 5th Edition)

"Right of Way" means the land, or interest therein, acquired for or devoted to a highway. (Illinois Highway Code [605 ILCS 5/2-217])

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"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act)

"Slurry Wall" means a man-made barrier made of geologic material which is constructed to prevent or impede the movement of contamination into a certain area.

"Soil Saturation Limit (C(sat))" means the contaminant concentration at which soil pore air and pore water are saturated with the chemical and the adsorptive limits of the soil particles have been reached.

"Solubility" means a chemical specific maximum amount of solute that can dissolve in a specific amount of solvent (groundwater) at a specific temperature.

"SPLP" means Synthetic Precipitation Leaching Procedure (Method 1312) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"SSL" means Soil Screening Levels as defined in USEPA's Soil Screening Guidance: User's Guide and Technical Background Document, as incorporated by reference in Section 742.210.

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"TCLP" means Toxicity Characteristic Leaching Procedure (Method 1311) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"Total Petroleum Hydrocarbon (TPH)" means the additive total of all petroleum hydrocarbons found in an analytical sample.

"Volatile Organic Compounds (VOCs)" means organic chemical analytes identified as volatiles as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846 (incorporated by reference in Section 742.210), method numbers 8010, 8011, 8015, 8020, 8021, 8030, 8031, 8240, 8260, 8315, and 8316. For

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analytes not listed in any category in those methods, those analytes which have a boiling point less than 200°C and a vapor pressure greater than 0.1 Torr (mm Hg) at 20°C.

Section 742.205 Severability

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any portion not adjudged invalid.

Section 742.210 Incorporations by Reference

a) The Board incorporates the following material by reference:

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400

ASTM D 2974-87, Standard Test Methods for Moisture, Ash and Organic Matter of Peat and Other Organic Soils, approved May 29, 1987 (reapproved 1995).

ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993.

ASTM D 1556-90, Standard Test Method for Density and Unit Weight of Soil in Place by the Sand-Cone Method, approved June 29, 1990.

ASTM D 2167-94, Standard Test Method for Density and Unit Weight of Soil in Place by the Rubber Balloon Method, approved March 15, 1994.

ASTM D 2922-91, Standard Test Methods for Density of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth), approved December 23, 1991.

ASTM D 2937-94, Standard Test Method for Density of Soil in Place by the Drive-Cylinder Method, approved June 15, 1994.

ASTM D 854-92, Standard Test Method for Specific Gravity of Soils, approved November 15, 1992.

ASTM D 2216-92, Standard Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock, approved June 15, 1992.

ASTM D 4959-89, Standard Test Method for Determination of Water (Moisture) Content of Soil by Direct Heating Method, approved

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June 30, 1989 (reapproved 1994).

ASTM D 4643-93, Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method, approved July 15, 1993.

ASTM D 5084-90, Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter, approved June 29, 1990.

ASTM D 422-63, Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963 (reapproved 1990).

ASTM D 1140-92, Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve, approved November 15, 1992.

ASTM D 3017-88, Standard Test Method for Water Content of Soil and Rock in Place by Nuclear Methods (Shallow Depth), approved May 27, 1988.

ASTM D 4525-90, Standard Test Method for Permeability of Rocks by Flowing Air, approved May 25, 1990.

ASTM D 2487-93, Standard Test Method for Classification of Soils for Engineering Purposes, approved September 15, 1993.

ASTM E 1527-93, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved March 15, 1993. Vol. 11.04.

ASTM E 1739-95, Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites, approved September 10, 1995.

Barnes, Donald G. and Dourson, Michael. (1988). Reference Dose (RfD): Description and Use in Health Risk Assessments. Regulatory Toxicology and Pharmacology. 8, 471-486.

GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, (202) 783-3238.

USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I and IIA (Document No. 955-001-00000-1)(contact USEPA, Office of Solid Waste, for Update

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IIA).

"Methods for the Determination of Organic Compounds in Drinking Water", EPA Publication No. EPA/600/4-88/039 (December 1988 (Revised July 1991)).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", EPA Publication No. EPA/600/R-92/129 (August 1992).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131 (August 1995).

IRIS. Integrated Risk Information System, National Center for Environmental Assessment, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH 45268, (513) 569-7254.

"Reference Dose (RfD): Description and Use in Health Risk Assessments", Background Document 1A (March 15, 1993).

"EPA Approach for Assessing the Risks Associated with Chronic Exposures to Carcinogens", Background Document 2 (January 17, 1992).

Nelson, D.W., and L.E. Sommers. 1982. Total carbon, organic carbon, and organic matter. In: A.L. Page (ed.), Methods of Soil Analysis. Part 2. Chemical and Microbiological Properties. 2nd Edition, pp. 539-579, American Society of Agronomy. Madison, WI.

NMIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600.

"Dermal Exposure Assessment: Principles and Applications", EPA Publication No. EPA/600/8-91/011B (January 1992).

"Exposure Factors Handbook", EPA Publication No. EPA/600/8-89/043 (July 1989).

"Risk Assessment Guidance for Superfund, Vol. I: Human Health Evaluation Manual, Supplemental Guidance: Standard Default Exposure Factors", OSWER Directive 9285.6-03 (March 1991).

"Rapid Assessment of Exposure to Particulate Emissions from Surface Contamination Sites", EPA Publication No. EPA/600/8-85/002 (February 1985), PB 85-192219.

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"Risk Assessment Guidance for Superfund, Volume I; Human Health Evaluation Manual (Part A)", Interim Final, EPA Publication No. EPA/540/1-89/002 (December 1989).

"Risk Assessment Guidance for Superfund, Volume I; Human Health Evaluation Manual, Supplemental Guidance, Dermal Risk Assessment Interim Guidance", Draft (August 18, 1992).

"Soil Screening Guidance: Technical Background Document", EPA Publication No. EPA/540/R-95/128, PB96-963502 (May 1996).

"Soil Screening Guidance: User's Guide", EPA Publication No. EPA/540/R-96/018, PB96-963505 (April 1996).

Superfund Exposure Assessment Manual", EPA Publication No. EPA/540/1-88/001 (April 1988).

RCRA Facility Investigation Guidance, Interim Final, developed by USEPA (EPA 530/SW-89-031), 4 volumes, May 1989.

- b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202)783-3238:
40 CFR 761.120 (1993).

- c) This Section incorporates no later editions or amendments.

Section 742.215 Determination of Soil Attenuation Capacity

- a) The concentrations of organic contaminants of concern remaining in the soil shall not exceed the attenuation capacity of the soil, as determined under subsection (b) of this Section.

- b) The soil attenuation capacity is not exceeded if:

- 1) The sum of the organic contaminant residual concentrations analyzed for the purposes of the remediation program for which the analysis is performed, at each discrete sampling point, is less than the natural organic carbon fraction of the soil. If the information relative to the concentration of other organic contaminants is available, such information shall be included in the sum. The natural organic carbon fraction (f_{oc}) shall be either:
 - A) A default value of 6000 mg/kg for soils within the top meter and 2000 mg/kg for soils below one meter of the surface; or
 - B) A site-specific value as measured by ASTM D2974-87, Nelson and Sommers, or by SW-846 Method 9060: Total Organic Carbon, as incorporated by reference in Section 742.210;
- 2) The total petroleum hydrocarbon concentration is less than the natural organic carbon fraction of the soil as demonstrated using a method approved by the Agency. The method selected shall be

- A) A default value of 6000 mg/kg for soils within the top meter and 2000 mg/kg for soils below one meter of the surface; or
- B) A site-specific value as measured by ASTM D2974-87, Nelson and Sommers, or by SW-846 Method 9060: Total Organic Carbon, as incorporated by reference in Section 742.210;
- 2) The total petroleum hydrocarbon concentration is less than the natural organic carbon fraction of the soil as demonstrated using a method approved by the Agency. The method selected shall be

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- appropriate for the contaminants of concern to be addressed; or
3) Another method, approved by the Agency, shows that the soil attenuation capacity is not exceeded.

Section 742.220 Determination of Soil Saturation Limit

- a) For any organic contaminant that has a melting point below 30°C, the remediation objective for the inhalation exposure route developed under Tier 2 or Tier 3 shall not exceed the soil saturation limit, as determined under subsection (c) of this Section.

- b) For any organic contaminant, the remediation objective under Tier 2 or Tier 3 for the soil component of the groundwater ingestion exposure route shall not exceed the soil saturation limit, as determined under subsection (c) of this Section.

- c) The soil saturation limit shall be:

- 1) The value listed in Appendix A, Table A for that specific contaminant;
- 2) A value derived from Equation S29 in Appendix C, Table A; or
- 3) A value derived from another method approved by the Agency.

Section 742.225 Demonstration of Compliance with Remediation Objectives

Compliance is achieved if each sample result does not exceed that respective remediation objective unless a person elects to proceed under subsections (c), (d) and (e) of this Section.

- a) Compliance with groundwater remediation objectives developed under Subparts D through F and H through I shall be demonstrated by comparing the contaminant concentrations of discrete samples at each sample point to the applicable groundwater remediation objective. Sample points shall be determined by the program under which remediation is performed.

- b) Unless the person elects to composite samples or average sampling results as provided in subsections (c) and (d) of this Section, compliance with soil remediation objectives developed under Subparts D through G and I shall be demonstrated by comparing the contaminant concentrations of discrete samples to the applicable soil remediation objective.

- 1) Except as provided in subsections (c) and (d) of this Section, compositing of samples is not allowed.
- 2) Except as provided in subsections (c) and (d) of this Section, averaging of sample results is not allowed.
- 3) Notwithstanding subsections (c) and (d) of this Section, compositing of samples and averaging of sample results is not allowed for the construction worker population.
- 4) The number of sampling points required to demonstrate compliance is determined by the requirements applicable to the program under which remediation is performed.

- c) If a person chooses to composite soil samples or average soil sample

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results to demonstrate compliance relative to the soil component of the groundwater ingestion exposure route, the following requirements apply:

- 1) A minimum of two sampling locations for every 0.5 acre of contaminated area is required, with discrete samples at each sample location obtained at every two feet of depth, beginning at six inches below the ground surface and continuing through the zone of contamination. Alternatively, a sampling method may be approved by the Agency based on an appropriately designed site-specific evaluation. Samples obtained at or below the water table shall not be used in compositing or averaging.
- 2) For contaminants of concern other than volatile organic contaminants:
 - A) Discrete samples from the same boring may be composited.
 - B) Discrete sample results from the same boring may be averaged.
- 3) For volatile organic contaminants:
 - A) Compositing of samples is not allowed.
 - B) Discrete sample results from the same boring may be averaged.

- d) If a person chooses to composite soil samples or average soil sample results to demonstrate compliance relative to the inhalation exposure route or ingestion exposure route, the following requirements apply:

- 1) A person shall submit a sampling plan for Agency approval, based upon a site-specific evaluation;
- 2) For volatile organic compounds, compositing of samples is not allowed; and
- 3) All samples shall be collected within the contaminated area.

- e) When averaging under this Section, if no more than 50% of sample results are reported as "non-detect", "no contamination", "below detection limits", or similar terms, such results shall be included in the averaging calculation as one-half of the reported analytical detection limit for the contaminant. If more than 50% of sample results are "non-detect", another statistically valid procedure approved by the Agency may be used to determine an average.

Section 742.230 Agency Review and Approval

- a) Documents and requests filed with the Agency under this Part shall be submitted in accordance with the procedures applicable to the specific program under which remediation is performed.
- b) Agency review and approval of documents and requests under this Part shall be performed in accordance with the procedures applicable to the specific program under which the remediation is performed.

SUBPART C: EXPOSURE ROUTE EVALUATIONS

Section 742.300 Exclusion of Exposure Route

- a) This Subpart sets forth requirements to demonstrate that an actual or potential impact to a receptor or potential receptor from a contaminant of concern can be excluded from consideration from one or more exposure routes. If an evaluation under this Part demonstrates the applicable requirements for excluding an exposure route are met, then the exposure route is excluded from consideration and no remediation objectives need be developed for that exposure route.
- b) No exposure route may be excluded from consideration until characterization of the extent and concentrations of contaminants of concern at a site has been performed. The actual steps and methods taken to characterize a site shall be determined by the specific program requirements under which the site remediation is being addressed.
- c) As an alternative to the use of the requirements in this Part, a person may use the procedures for evaluation of exposure routes under Tier 3 as set forth in Section 742.925.

Section 742.305 Contaminant Source and Free Product Determination

No exposure route shall be excluded from consideration relative to a contaminant of concern unless the following requirements are met:

- a) The sum of the concentrations of all organic contaminants of concern shall not exceed the attenuation capacity of the soil as determined under Section 742.215;
- b) The concentrations of any organic contaminants of concern remaining in the soil shall not exceed the soil saturation limit as determined under Section 742.220;
- c) Any soil which contains contaminants of concern shall not exhibit any of the characteristics of reactivity for hazardous waste as determined under 35 Ill. Adm. Code 721.123;
- d) Any soil which contains contaminants of concern shall not exhibit a pH less than or equal to 2.0 or greater than or equal to 12.5, as determined by SW-846 Method 9040B: pH Electrometric for soils with 20% or greater aqueous (moisture) content or by SW-846 Method 9045C: Soil pH for soils with less than 20% aqueous (moisture) content as incorporated by reference in Section 742.210; and
- e) Any soil which contains contaminants of concern in the following list of inorganic chemicals or their salts shall not exhibit any of the characteristics of toxicity for hazardous waste as determined by 35 Ill. Adm. Code 721.124, or an alternative method approved by the Agency: arsenic, barium, cadmium, chromium, lead, mercury, selenium or silver.

Section 742.310 Inhalation Exposure Route

The inhalation exposure route may be excluded from consideration if:

- a) The requirements of Sections 742.300 and 742.305 are met; and
- b) An institutional control, in accordance with Subpart J, is in place

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that meets the following requirements:

- 1) Either:
 - A) The concentration of any contaminant of concern within ten feet of the land surface or any man-made pathway shall not exceed the Tier 1 remediation objective under Subpart E for the inhalation exposure route; or
 - B) An engineered barrier, as set forth in Subpart K and approved by the Agency, is in place; and
- 2) Requires safety precautions for the construction worker if the Tier 1 construction worker remediation objectives are exceeded.

Section 742.315 Soil Ingestion Exposure Route

The soil ingestion exposure route may be excluded from consideration if:

- a) The requirements of Sections 742.300 and 742.305 are met; and
- b) An institutional control, in accordance with Subpart J, is in place that meets the following requirements:
 - 1) Either:
 - A) The concentration of any contaminant of concern within three feet of the land surface shall not exceed the Tier 1 remediation objective under Subpart E for the ingestion of soil exposure route; or
 - B) An engineered barrier, as set forth in Subpart K and approved by the Agency, is in place; and
 - 2) Requires safety precautions for the construction worker if the Tier 1 construction worker remediation objectives are exceeded.

Section 742.320 Groundwater Ingestion Exposure Route

The groundwater ingestion exposure route may be excluded from consideration if:

- a) The requirements of Sections 742.300 and 742.305 are met;
- b) The corrective action measures have been completed to remove any free product to the maximum extent practicable;
- c) The source of the release is not located within the minimum or designated maximum setback zone or within a regulated recharge area of a potable water supply well;
- d) As demonstrated in accordance with Section 742.1015, for any area within 2500 feet from the source of the release, an ordinance adopted by a unit of local government is in place that effectively prohibits the installation of potable water supply wells (and the use of such wells);
- e) As demonstrated using Equation R26, in Appendix C, Table C, in accordance with Section 742.810, the concentration of any contaminant of concern in groundwater within the minimum or designated maximum setback zone of an existing potable water supply well will meet the applicable Tier 1 groundwater remediation objective; and
- f) As demonstrated using Equation R26, in Appendix C, Table C, in accordance with Section 742.810, the concentration of any contaminant

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of concern in groundwater discharging into a surface water will meet the applicable surface water quality standard under 35 Ill. Adm. Code 302.

SUBPART D: DETERMINING AREA BACKGROUND

Section 742.400 Area Background

This Subpart provides procedures for determining area background concentrations for contaminants of concern. Except as described in Section 742.415(c) and (d) of this Subpart, area background concentrations may be used as remediation objectives for contaminants of concern at a site.

Section 742.405 Determination of Area Background for Soil

- a) Soil sampling results shall be obtained for purposes of determining area background levels in accordance with the following procedures:
 - 1) For volatile organic contaminants, sample results shall be based on discrete samples;
 - 2) Unless an alternative method is approved by the Agency, for contaminants other than volatile organic contaminants, sample results shall be based on discrete samples or composite samples. If a person elects to use composite samples, each 0.5 acre of the area to be sampled shall be divided into quadrants and 5 aliquots of equal volume per quadrant shall be composited into 1 sample;
 - 3) Samples shall be collected from similar depths and soil types, which shall be consistent with the depths and soil types in which maximum levels of contaminants are found in the areas of known or suspected releases; and
 - 4) Samples shall be collected from areas of the site or adjacent to the site that are unaffected by known or suspected releases at or from the site. If the sample results show an impact from releases at or from the site, then the sample results shall not be included in determining area background levels under this Part.
- b) Area background shall be determined according to one of the following approaches:
 - 1) Statewide Area Background Approach:
 - A) The concentrations of inorganic chemicals in background soils listed in Appendix A, Table G may be used as the upper limit of the area background concentration for the site. The first column to the right of the chemical name presents inorganic chemicals in background soils for counties within Metropolitan Statistical Areas. Counties within Metropolitan Statistical Areas are identified in Appendix A, Table G, Footnote a. Sites located in counties outside Metropolitan Statistical Areas shall use the concentrations of inorganic chemicals in background soils shown in the

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second column to the right of the chemical name.

B) Soil area background concentrations determined according to this statewide area background approach shall be used as provided in Section 742.415(b) of this Part. For each parameter whose sampling results demonstrate concentrations above those in Appendix A, Table G, the person shall develop appropriate soil remediation objectives in accordance with this Part, or may determine area background in accordance with subsection (b)(2) of this Section.

2) A statistically valid approach for determining area background concentrations appropriate for the characteristics of the data set, and approved by the Agency.

Section 742.410 Determination of Area Background for Groundwater

a) Groundwater sampling results shall be obtained for purposes of determining area background in accordance with the following procedures:

- 1) Samples shall be collected from areas of the site or adjacent to the site that are unaffected by releases at the site;
- 2) The background monitoring wells shall be sufficient in number to account for the spatial and temporal variability, size, and number of known or suspected off-site releases of contaminants of concern, and the hydrogeological setting of the site;
- 3) The samples shall be collected in consecutive quarters for a minimum of one year for each well unless another sample schedule is approved by the Agency;
- 4) The samples shall be collected from the same stratigraphic unit(s) as the groundwater contamination at the site; and
- 5) The background monitoring wells shall be located hydraulically upgradient from the release(s) of contaminants of concern, unless a person demonstrates to the Agency that the upgradient location is undefinable or infeasible.

b) Area background shall be determined according to one of the following approaches:

- 1) Prescriptive Approach:
 - A) If more than 15% of the groundwater sampling results for a chemical obtained in accordance with subsection (a) of this Section are less than the appropriate detection limit for that chemical, the Prescriptive Approach may not be used for that chemical. If 15% or less of the sampling results are less than the appropriate detection limit, a concentration equal to one-half the detection limit shall be used for that chemical in the calculations contained in this Prescriptive Approach.
 - B) The groundwater sampling results obtained in accordance with subsection (a) of this Section shall be used to determine if the sample set is normally distributed. The Shapiro-Wilk

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Test of Normality shall be used to determine whether the sample set is normally distributed, if the sample set for the background well(s) contains 50 or fewer samples. Values necessary for the Shapiro-Wilk Test of Normality shall be determined using Appendix A, Tables C and D.

If the computed value of W is greater than the 5% Critical Value in Appendix A, Table D, the sample set shall be assumed to be normally distributed, and the Prescriptive Approach is allowed. If the computed value of W is less than 5% Critical Value in Appendix A, Table D, the sample set shall be assumed to not be normally distributed, and the Prescriptive Approach shall not be used.

C) If the sample set contains at least ten sample results, the Upper Tolerance Limit (UTL) of a normally distributed sample set may be calculated using the mean (\bar{x}) and standard deviation(s), from:

$$UTL = \bar{x} + (K \text{ times } s),$$

where K = the one-sided normal tolerance factor for estimating the 95% upper confidence limit of the 95th percentile of a normal distribution. Values for K shall be determined using Appendix A, Table B.

D) If the sample set contains at least ten sample results, the UTL shall be the upper limit of the area background concentration for the site. If the sample set contains fewer than ten sample results, the maximum value of the sample set shall be the upper limit of the area background concentration for the site.

E) This Prescriptive Approach shall not be used for determining area background for the parameter pH.

2) Another statistically valid approach for determining area background concentrations appropriate for the characteristics of the data set, and approved by the Agency.

Section 742.415 Use of Area Background Concentrations

a) A person may request that area background concentrations determined pursuant to Sections 742.405 and 742.410 be used according to the provisions of subsection (b) of this Section. Such request shall address the following:

- 1) The natural or man-made pathways of any suspected off-site contamination reaching the site;
 - 2) Physical and chemical properties of suspected off-site contaminants of concern reaching the site; and
 - 3) The location and justification of all background sampling points.
- b) Except as specified in subsections (c) and (d) of this Section, an area background concentration may be used as follows:

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- 1) To support a request to exclude a chemical as a contaminant of concern from further consideration for remediation at a site due to its presence as a result of background conditions; or
- 2) As a remediation objective for a contaminant of concern at a site in lieu of objectives developed pursuant to the other procedures of this Part.
- c) An area background concentration shall not be used in the event that the Agency has determined in writing that the background level for a regulated substance poses an acute threat to human health or the environment at the site when considering the post-remedial action land use. (Section 58.5(b)(3) of the Act)
- d) In the event that the concentration of a regulated substance of concern on the site exceeds a remediation objective adopted by the Board for residential land use, the property may not be converted to residential use unless such remediation objective or an alternative risk-based remediation objective for that regulated substance of concern is first achieved. If the land use is restricted, there shall be an institutional control in place in accordance with Subpart J. (Section 58.5(b)(2) of the Act)

SUBPART E: TIER 1 EVALUATION

Section 742.500 Tier 1 Evaluation Overview

- a) A Tier 1 evaluation compares the concentration of each contaminant of concern detected at a site to the baseline remediation objectives provided in Appendix B, Tables A, B, C, D and E. Use of Tier 1 remediation objectives requires only limited site-specific information: concentrations of contaminants of concern, groundwater classification, land use classification, and, if appropriate, soil pH. (See Appendix B, Illustration A.)
- b) Although Tier 1 allows for differentiation between residential and industrial/commercial property use of a site, an institutional control under Subpart J is required where remediation objectives are based on an industrial/commercial property use.
- c) Any given exposure route is not a concern if the concentration of each contaminant of concern detected at the site is below the Tier 1 value of that given route. In such a case, no further evaluation of that route is necessary.

Section 742.505 Tier 1 Soil and Groundwater Remediation Objectives

- a) Soil
 - 1) Inhalation Exposure Route
 - A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.
 - B) The Tier 1 soil remediation objectives for this exposure

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- route based upon industrial/commercial property use are listed in Appendix B, Table B. Soil remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.
- 2) Ingestion Exposure Route
 - A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.
 - B) The Tier 1 soil remediation objectives for this exposure route based upon industrial/commercial property use are listed in Appendix B, Table B. Soil remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.
 - 3) Soil Component of the Groundwater Ingestion Route
 - A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.
 - B) The Tier 1 soil remediation objectives for this exposure route based upon industrial/commercial property use are listed in Appendix B, Table B.
 - C) The pH-dependent Tier 1 soil remediation objectives for identified ionizable organics or inorganics for the soil component of the groundwater ingestion exposure route (based on the total amount of contaminants present in the soil sample results and groundwater classification) are provided in Appendix B, Tables C and D.
 - D) Values used to calculate Tier 1 soil remediation objectives for this exposure route are listed in Appendix B, Table F.
 - 4) Evaluation of the dermal contact with soil exposure route is not required under Tier 1.
 - b) Groundwater
 - 1) The Tier 1 groundwater remediation objectives for the groundwater component of the groundwater ingestion route are listed in Appendix B, Table E.
 - 2) The Tier 1 groundwater remediation objectives for this exposure route are given for Class I and Class II groundwaters, respectively.
 - 3) The Class I groundwater remediation objectives set forth in Appendix B, Table E shall be corrected for cumulative effect of mixtures of similar-acting noncarcinogenic chemicals in accordance with the methodologies set forth in either subsection (b)(3)(A) or (B), if more than one chemical listed in Appendix A, Table E is detected at a site and if such chemicals affect the same target organ (i.e., has the same critical effect as defined by the RfD):
 - A) Calculate the weighted average using the following equations:

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$$W[\text{ave}] = \frac{x[1]}{\text{CUO}[x[1]]} + \frac{x[2]}{\text{CUO}[x[2]]} + \frac{x[3]}{\text{CUO}[x[3]]} + \dots + \frac{x[a]}{\text{CUO}[x[a]]}$$

where:

$W[\text{ave}]$ = Weighted Average

$x[1]$ through $x[a]$ = Concentration of each individual contaminant at the location of concern. Note that, depending on the target organ/mode of action, the actual number of contaminants will range from 2 to 14.

$\text{CUO}[x[a]]$ = A Tier 1 remediation objective each $x[a]$ from Appendix B, Table E.

ii) If the value of the weighted average calculated in accordance with the equations above is less than or equal to 1.0, then the remediation objectives are met for those chemicals.

ii) If the value of the weighted average calculated in accordance with the equations above is greater than 1.0, then additional remediation must be carried out until the level of contaminants remaining in the remediated area have a weighted average calculated in accordance with the equation above less than or equal to one;

B) Divide each individual chemical's remediation objective by the number of chemicals in that specific target organ group that were detected at the site. Each of the contaminant concentrations at the site is then compared to the remediation objectives that have been adjusted to account for this potential additivity.

Section 742.510 Tier 1 Remediation Objectives Tables

a) Soil remediation objectives are listed in Appendix B, Tables A, B, C and D.

1) Appendix B, Table A is based upon residential property use.

A) The first column to the right of the chemical name lists soil remediation objectives for the soil ingestion exposure route.

B) The second column lists the soil remediation objectives for the inhalation exposure route.

C) The third and fourth columns list soil remediation

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objectives for the soil component of the groundwater ingestion exposure route for the respective classes of groundwater:

- i) Class I groundwater; and
- ii) Class II groundwater.

D) The final column lists the Acceptable Detection Limit (ADL), only where applicable.

2) Appendix B, Table B is based upon industrial/commercial property use.

A) The first and third columns to the right of the chemical name list the soil remediation objectives for the soil ingestion exposure route based on two receptor populations:

- i) Industrial/commercial; and
- ii) Construction worker.

B) The second and fourth columns to the right of the chemical name list the soil remediation objectives for the inhalation exposure route based on two receptor populations:

- i) Industrial/commercial; and
- ii) Construction worker.

C) The fifth and sixth columns to the right of the chemical name list the soil remediation objectives for the soil component of the groundwater ingestion exposure route for two classes of groundwater:

- i) Class I groundwater; and
- ii) Class II groundwater.

3) Appendix B, Tables C and D set forth pH specific soil remediation objectives for inorganic and ionizing organic chemicals for the soil component of the groundwater ingestion route.

A) Table C sets forth remediation objectives based on Class I groundwater and Table D sets forth remediation objectives based on Class II groundwater.

B) The first column in Tables C and D lists the chemical names.

C) The second through ninth columns to the right of the chemical names list the pH based soil remediation objectives.

4) For the inorganic chemicals listed in Appendix B, Tables A and B, the soil component of the groundwater ingestion exposure route shall be evaluated using TCLP (SW-846 Method 1311) or SPLP (SW-846 Method 1312), incorporated by reference at Section 742.210 unless a person chooses to evaluate the soil component on the basis of the total amount of contaminant in a soil sample result in accordance with subsection (a)(5) of this Section.

5) For those inorganic and ionizing organic chemicals listed in Appendix B, Tables C and D, if a person elects to evaluate the soil component of the groundwater ingestion exposure route based on the total amount of contaminant in a soil sample result (rather than TCLP or SPLP analysis), the person shall determine the soil pH at the site and then select the appropriate soil

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remediation objectives based on Class I and Class II groundwaters from Tables C and D, respectively. If the soil pH is less than 4.5 or greater than 8.0, then Tables C and D cannot be used.

- 6) Unless one or more exposure routes are excluded from consideration under Subpart C, the most stringent soil remediation objective of the exposure routes (i.e., soil ingestion exposure route, inhalation exposure route, and soil component of the groundwater ingestion exposure route) shall be compared to the concentrations of soil contaminants of concern measured at the site. When using Appendix B, Table B to select soil remediation objectives for the ingestion exposure route and inhalation exposure route, the remediation objective shall be the more stringent soil remediation objective of the industrial/commercial populations and construction worker populations.

- 7) Confirmation sample results may be averaged or soil samples may be composited in accordance with Section 742.225.

- 8) If a soil remediation objective for a chemical is less than the ADL, the ADL shall serve as the soil remediation objective.

- b) Groundwater remediation objectives for the groundwater component of the groundwater ingestion exposure route are listed in Appendix B, Table E. However, Appendix B, Table E must be corrected for cumulative effect of mixtures of similar-acting noncarcinogenic chemicals as set forth in Section 742.505(b)(3).

- 1) The first column to the right of the chemical name lists groundwater remediation objectives for Class I groundwater, and the second column lists the groundwater remediation objectives for Class II groundwater.

- 2) To use Appendix B, Table E of this Part, the 35 Ill. Adm. Code 620 classification for groundwater at the site shall be determined. The concentrations of groundwater contaminants of concern at the site are compared to the applicable Tier 1 groundwater remediation objectives for the groundwater component of the groundwater ingestion exposure route in Appendix B, Table E.

- c) For contaminants of concern not listed in Appendix B, Tables A, B and E, a person may request site-specific remediation objectives from the Agency or propose site-specific remediation objectives in accordance with 35 Ill. Adm. Code 620, Subpart I of this Part, or both.

SUBPART F: TIER 2 GENERAL EVALUATION

Section 742.600 Tier 2 Evaluation Overview

- a) Tier 2 remediation objectives are developed through the use of equations which allow site-specific data to be used. (See Appendix C, Illustrations A and B.) The equations identified in Appendix C, Tables A and C may be used to develop Tier 2 remediation objectives.

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- b) Tier 2 evaluation is only required for contaminants of concern and corresponding exposure routes (except where excluded from further consideration under Subpart C) exceeding the Tier 1 remediation objectives. When conducting Tier 2 evaluations, the values used in the calculations must have the appropriate units of measure as identified in Appendix C, Tables B and D.

- c) Any development of remediation objectives using site-specific information or equations outside the Tier 2 framework shall be evaluated under Tier 3.

- d) Any development of a remediation objective under Tier 2 shall not use a target hazard quotient greater than one at the point of human exposure or a target cancer risk greater than 1 in 1,000,000 at the point of human exposure.

- e) In conducting a Tier 2 evaluation, the following conditions shall be met:

- 1) For each discrete sample, the total soil contaminant concentration of either a single contaminant or multiple contaminants of concern shall not exceed the attenuation capacity of the soil as provided in Section 742.215.

- 2) Remediation objectives for noncarcinogenic compounds which affect the same target organ, organ system or similar mode of action shall meet the requirements of Section 742.720.

- 3) The soil remediation objectives based on the inhalation and the soil component of the groundwater ingestion exposure routes shall not exceed the soil saturation limit as provided in Section 742.220.

- f) If the calculated Tier 2 soil remediation objective for an applicable exposure route is more stringent than the corresponding Tier 1 remediation objective, then the Tier 1 remediation objective applies.

- g) If the calculated Tier 2 soil remediation objective for an exposure route is more stringent than the Tier 1 soil remediation objective(s) for the other exposure routes, then the Tier 2 calculated soil remediation objective applies and Tier 2 soil remediation objectives for the other exposure routes are not required.

- h) If the calculated Tier 2 soil remediation objective is less stringent than one or more of the soil remediation objectives for the remaining exposure routes, then the Tier 2 values are calculated for the remaining exposure route(s) and the most stringent Tier 2 calculated value applies.

Section 742.605 Land Use

- a) Present and post-remediation land use is evaluated in a Tier 2 evaluation. Acceptable exposure factors for the Tier 2 evaluation for residential, industrial/commercial, and construction worker populations are provided in the far right column of both Appendix C, Tables B and D. Use of exposure factors different from those in Appendix C, Tables B and D must be approved by the Agency as part of a

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Tier 3 evaluation.

- b) If a Tier 2 evaluation is based on an industrial/commercial property use, then:
- 1) Construction worker populations shall also be evaluated; and
 - 2) Institutional controls are required in accordance with Subpart J.

Section 742.610 Chemical and Site Properties

- a) Physical and Chemical Properties of Contaminants
- Tier 2 evaluations require information on the physical and chemical properties of the contaminants of concern. The physical and chemical properties used in a Tier 2 evaluation are contained in Appendix C, Table E. If the site has contaminants not included in this table, a person may request the Agency to provide the applicable physical and chemical input values or may propose input values under Subpart I. If a person proposes to apply values other than those in Appendix C, Table E, or those provided by the Agency, the evaluation shall be considered under Tier 3.

- b) Soil and Groundwater Parameters

- 1) A Tier 2 evaluation requires examination of soil and groundwater parameters. The parameters that may be varied, and the conditions under which these parameters are determined as part of Tier 2, are summarized in Appendix C, Tables B and D. If a person proposes to vary site-specific parameters outside of the framework of these tables, the evaluation shall be considered under Tier 3.

- 2) To determine site-specific physical soil parameters, a minimum of one boring per 0.5 acre of contamination shall be collected. This boring must be deep enough to allow the collection of the required field measurements. The site-specific physical soil parameters must be determined from the portion of the boring representing the stratigraphic unit(s) being evaluated. For example, if evaluating the soil component of the groundwater ingestion exposure route, two samples from the boring will be required:

- A) A sample of the predominant soil type for the vadose zone; and
- B) A sample of the predominant soil type for the saturated zone.

- 3) A site-specific SSL dilution factor (used in developing soil remediation objectives based upon the protection of groundwater) may be determined by substituting site information in Equation S22 in Appendix C, Table A. To make this demonstration, a minimum of three monitoring wells shall be used to determine the hydraulic gradient. As an alternative, the default dilution factor value listed in Appendix C, Table B may be used. If monitoring wells are used to determine the hydraulic gradient, the soil taken from the borings shall be visually inspected to

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ensure there are no significant differences in the stratigraphy. If there are similar soil types in the field, one boring shall be used to determine the site-specific physical soil parameters. If there are significant differences, all of the borings shall be evaluated before determining the site-specific physical soil parameters for the site.

- 4) Not all of the parameters identified in Appendix C, Tables B and D need to be determined on a site-specific basis. A person may choose to collect partial site-specific information and use default values as listed in Appendix C, Tables B and D for the rest of the parameters.

SUBPART G: TIER 2 SOIL EVALUATION

Section 742.700 Tier 2 Soil Evaluation Overview

- a) Tier 2 remediation objectives are developed through the use of models which allow site-specific data to be considered. Appendix C, Tables A and C list equations that shall be used under a Tier 2 evaluation to calculate soil remediation objectives prescribed by SSL and RBCA models, respectively. (See also Appendix C, Illustration A.)

- b) Appendix C, Table A lists equations that are used under the SSL model. (See also Appendix C, Illustration A.) The SSL model has equations to evaluate the following human exposure routes:

- 1) Soil ingestion exposure route;
 - 2) Inhalation exposure route for:
 - A) Volatiles;
 - B) Fugitive dust; and
 - 3) Soil component of the groundwater ingestion exposure route.
- c) Evaluation of the dermal exposure route is not required under the SSL model.
- d) Appendix C, Table C lists equations that are used under the RBCA model. (See also Appendix C, Illustration A.) The RBCA model has equations to evaluate human exposure based on the following:

- 1) The combined exposure routes of inhalation of vapors and particulates, soil ingestion and dermal contact with soil;
 - 2) The ambient vapor inhalation (outdoor) route from subsurface soils;
 - 3) Soil component of the groundwater ingestion route; and
 - 4) Groundwater ingestion exposure route.
- e) The equations in either Appendix C, Table A or C may be used to calculate remediation objectives for each contaminant of concern under Tier 2, if the following requirements are met:

- 1) The Tier 2 soil remediation objectives for the ingestion and inhalation exposure routes shall use the applicable equations from the same approach (i.e., SSL equations in Appendix C, Table C).

- 2) The equations used to calculate soil remediation objectives for

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the soil component of the groundwater ingestion exposure route are not dependent on the approach utilized to calculate soil remediation objectives for the other exposure routes. For example, it is acceptable to use the SSL equations for calculating Tier 2 soil remediation objectives for the ingestion and inhalation exposure routes, and the RBCA equations for calculating Tier 2 soil remediation objectives for the soil component of the groundwater ingestion exposure route.

- 3) Combining equations from Appendix C, Tables A and C to form a new model is not allowed. In addition, Appendix C, Tables A and C must use their own applicable parameters identified in Appendix C, Tables B and D, respectively.

- f) In calculating soil remediation objectives for industrial/commercial property use, applicable calculations shall be performed twice: once using industrial/commercial population default values and once using construction worker population default values. The more stringent soil remediation objectives derived from these calculations must be used for further Tier 2 evaluations.

- g) Tier 2 data sheets provided by the Agency shall be used to present calculated Tier 2 remediation objectives, if required by the particular program for which remediation is being performed.
- h) The RBCA equations which rely on the parameter Soil Water Sorption Coefficient ($k(s)$) can only be used for ionizing organics and inorganics by substituting values for $k(s)$ from Appendix C, Tables I and J, respectively. This will also require the determination of a site-specific value for soil pH.

Section 742.705 Parameters for Soil Remediation Objective Equations

- a) Appendix C, Tables B and D list the input parameters for the SSL and RBCA equations, respectively. The first column lists each symbol as it is presented in the equation. The next column defines the parameters. The third column shows the units for the parameters. The fourth column identifies where information on the parameters can be obtained (i.e., field measurement, applicable equation(s), reference source, or default value). The last column identifies how the parameters can be generated.

- b) Default Values

Default values are numerical values specified for use in the Tier 2 equations. The fourth column of Appendix C, Tables B and D denotes if the default values are from the SSL model, RBCA model, or some other source. The last column of Appendix C, Tables B and D lists the numerical values for the default values used in the SSL and RBCA equations, respectively.

- c) Site-specific Information

Site-specific information is a parameter measured, obtained, or determined from the site to calculate Tier 2 remediation objectives. The fourth column of Appendix C, Tables B and D identifies those

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site-specific parameters that may require direct field measurement. For some parameters, numerical default inputs have been provided in the last column of Appendix C, Tables B and D to substitute for site-specific information. In some cases, information on the receptor or soil type is required to select the applicable numerical default inputs. Site-specific information includes:

- 1) Physical soil parameters identified in Appendix C, Table F. The second column identifies the location where the sample is to be collected. Acceptable methods for measuring or calculating these soil parameters are identified in the last column of Appendix C, Table F;
- 2) Institutional controls or engineered barriers, pursuant to Subparts J and K, describe applicable institutional controls and engineered barriers under a Tier 2 evaluation; and
- 3) Land use classification

d) Toxicological-specific Information

- 1) Toxicological-specific information is used to calculate Tier 2 remediation objectives for the following parameters, if applicable:

- A) Oral Chronic Reference Dose (RfD[o]), expressed in (mg/kg-d);
- B) Oral Subchronic Reference Dose (RfD[s]), expressed in (mg/kg-d), shall be used for construction worker remediation objective calculations;
- C) Oral Slope Factor (SF[o]), expressed in (mg/kg-d)(-1);
- D) Inhalation Unit Risk Factor (URF) expressed in (ug/m(3))(-1);
- E) Inhalation Chronic Reference Concentration (RfC, expressed in mg/m(3));
- F) Inhalation Subchronic Reference Concentration (RfC[s]), expressed in mg/m(3), shall be used for construction worker remediation objective calculations;
- G) Inhalation Chronic Reference Dose (RfD[i]), expressed in (mg/kg-d);
- H) Inhalation Subchronic Reference Dose (RfD[i)s], expressed in (mg/kg-d), shall be used for construction worker remediation objective calculations; and
- I) Inhalation Slope Factor (SF[i]), expressed in (mg/kg-d)(-1);

- 2) Toxicological information can be obtained from IRIS, as incorporated by reference in Section 742.210, or the program under which the remediation is being performed.

- e) Chemical-specific Information
Chemical-specific information used to calculate Tier 2 remediation objectives is listed in Appendix C, Table E.

- f) Calculations

Calculating numerical values for some parameters requires the use of equations listed in Appendix C, Table A or C. The parameters that are calculated are listed in Appendix C, Tables B and D.

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Section 742.710 SSL Soil Equations

- a) This Section sets forth the equations and parameters used to develop Tier 2 soil remediation objectives for the three exposure routes using the SSL approach.
- b) Soil Ingestion Exposure Route
- 1) Equations S1 through S3 form the basis for calculating Tier 2 remediation objectives for the soil ingestion exposure route using the SSL approach. Equation S1 is used to calculate soil remediation objectives for noncarcinogenic contaminants. Equations S2 and S3 are used to calculate soil remediation objectives for carcinogenic contaminants for residential populations and industrial/commercial and construction worker populations, respectively.
 - 2) For Equations S1 through S3, the SSL default values cannot be modified with site-specific information.
- c) Inhalation Exposure Route
- 1) Equations S4 through S16, S26 and S27 are used to calculate Tier 2 soil remediation objectives for the inhalation exposure route using the SSL approach. To address this exposure route, volatiles must be evaluated separately from fugitive dust using their own equations set forth in subsections (c)(2) and (c)(3) of this Section, respectively.
 - 2) Volatiles
 - A) Equations S4 through S10 are used to calculate Tier 2 soil remediation objectives for volatile contaminants based on the inhalation exposure route. Equation S4 is used to calculate soil remediation objectives for noncarcinogenic volatile contaminants in soil for residential and industrial/commercial populations. Equation S5 is used to calculate soil remediation objectives for noncarcinogenic volatile contaminants in soil for construction worker populations. Equation S6 is used to calculate soil remediation objectives for carcinogenic volatile contaminants in soil for residential and industrial/commercial populations. Equation S7 is used to calculate soil remediation objectives for carcinogenic volatile contaminants in soil for construction worker populations. Equations S8 through S10, S27 and S28 are used for calculating numerical values for some of the parameters in Equations S4 through S7.
 - B) For Equation S4, a numerical value for the Volatilization Factor (VF) can be calculated in accordance with subsection (c)(2)(F) of this Section. The remaining parameters in Equation S4 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RfC), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

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- C) For Equation S5, a numerical value for the Volatilization Factor adjusted for Agitation (VF') can be calculated in accordance with subsection (c)(2)(G) of this Section. The remaining parameters in Equation S5 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RfC), which can be obtained from IRIS or requested from the program under which the remediation is being performed.
- D) For Equation S6, a numerical value for VF can be calculated in accordance with subsection (c)(2)(F) of this Section. The remaining parameters in Equation S6 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained from IRIS or requested from the program under which the remediation is being performed.
- E) For Equation S7, a numerical value for VF' can be calculated in accordance with subsection (c)(2)(G) of this Section. The remaining parameters in Equation S7 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained from IRIS or requested from the program under which the remediation is being performed.
- F) The VF can be calculated for residential and industrial/commercial populations using one of the following equations based on the information known about the contaminant source and receptor population:
- i) Equation S8, in conjunction with Equation S10, is used to calculate VF assuming an infinite source of contamination; or
 - ii) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate VF using Equation S26.
- G) The VF' can be calculated for the construction worker populations using one of the following equations based on the information known about the contaminant source:
- i) Equation S9 is used to calculate VF' assuming an infinite source of contamination; or
 - ii) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate VF' using Equation S27.
- 3) Fugitive Dust
- A) Equations S11 through S16 are used to calculate Tier 2 soil remediation objectives using the SSL fugitive dust model for the inhalation exposure route. Equation S11 is used to calculate soil remediation objectives for noncarcinogenic

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contaminants in fugitive dust for residential and industrial/commercial populations. Equation S12 is used to calculate soil remediation objectives for noncarcinogenic contaminants in fugitive dust for construction worker populations. Equation S13 is used to calculate soil remediation objectives for carcinogenic contaminants in fugitive dust for residential and industrial/commercial populations. Equation S14 is used to calculate soil remediation objectives for carcinogenic contaminants in fugitive dust for construction worker populations. Equations S15 and S16 are used for calculating numerical quantities for some of the parameters in Equations S11 through S14.

B) For Equation S11, a numerical value can be calculated for the Particulate Emission Factor (PEF) using Equation S15. This equation relies on various input parameters from a variety of sources. The remaining parameters in Equation S11 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RFC), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

C) For Equation S12, a numerical value for the Particulate Emission Factor for Construction Worker (PEF') can be calculated using Equation S16. The remaining parameters in Equation S12 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RFC), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

D) For Equation S13, a numerical value for PEF can be calculated using Equation S15. The remaining parameters in Equation S13 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URf), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

E) For Equation S14, a numerical value for PEF' can be calculated using Equation S16. The remaining parameters in Equation S14 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URf), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

d) Soil Component of the Groundwater Ingestion Exposure Route
The Tier 2 remediation objective for the soil component of the groundwater ingestion exposure route can be calculated using one of the following equations based on the information known about the contaminant source and receptor population:

1) Equation S17 is used to calculate the remediation objective assuming an infinite source of contamination.

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A) The numerical quantities for four parameters in Equation S17, the Target Soil Leachate Concentration (C(w)), Soil-Water Partition Coefficient (K(d)) for non-ionizing organics, Water-Filled Soil Porosity (Omega(w)) and Air-Filled Soil Porosity (Omega(a)), are calculated using Equations S18, S19, S20 and S21, respectively. Equations S22, S23, S24 and S25 are also needed to calculate numerical values for Equations S18 and S21. The pH-dependent K(d) for ionizing organics can be calculated using Equation S19 and the pH-dependent K(foc) values in Appendix C, Table I.

B) The remaining parameters in Equation S17 are Henry's Law Constant (H'), a chemical specific value listed in Appendix C, Table E and Dry Soil Bulk Density (D(b)), a site-specific based value listed in Appendix C, Table B.

C) The default value for GW[obj] is the Tier 1 groundwater objective. For chemicals for which there is no Tier 1 groundwater remediation objective, the value for GW[obj] shall be the Health Advisory concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F. As an alternative to using Tier 1 groundwater remediation objectives or Health Advisory concentrations, GW[obj] may be developed using Equations R25 and R26, if approved institutional controls are in place as required in Subpart J.

2) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate the remediation objective for this exposure route using Equation S28. The parameters in Equation S28 have default values listed in Appendix C, Table B.

Section 742.715 RCBA Soil Equations

a) This Section presents the RCBA model and describes the equations and parameters used to develop Tier 2 soil remediation objectives.

b) Ingestion, Inhalation, and Dermal Contact

1) The two sets of equations in subsections (b)(2) and (b)(3) of this Section shall be used to generate Tier 2 soil remediation objectives for the combined ingestion, inhalation, and dermal contact with soil exposure routes.

2) Combined Exposure Routes of Soil Ingestion, Inhalation of Vapors and Particulates, and Dermal Contact with Soil

A) Equations R1 and R2 form the basis for deriving Tier 2 remediation objectives for the set of equations that evaluates the combined exposure routes of soil ingestion, inhalation of vapors and particulates, and dermal contact with soil using the RCBA approach. Equation R1 is used to calculate soil remediation objectives for carcinogenic contaminants. Equation R2 is used to calculate soil

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remediation objectives for noncarcinogenic contaminants. Soil remediation objectives for the ambient vapor inhalation (outdoor) route from subsurface soils must also be calculated in accordance with the procedures outlined in subsection (b)(3) of this Section and compared to the values generated from Equations R1 or R2. The smaller value (i.e., R1 and R2 compared to R7 and R8, respectively) from these calculations is the Tier 2 soil remediation objective for the combined exposure routes of soil ingestion, inhalation, and dermal contact with soil.

B) In Equation R1, numerical values are calculated for two parameters:

- i) The volatilization factor for surficial soils (VF[ss]) using Equations R3 and R4; and
- ii) The volatilization factor for subsurface soils regarding particulates (VF[p]) using Equation R5.

C) VF[ss] uses Equations R3 and R4 to derive a numerical value. Equation R3 requires the use of Equation R6. Both equations must be used to calculate the VF[ss]. The lowest calculated value from these equations must be substituted into Equation R1.

D) The remaining parameters in Equation R1 have either default values listed in Appendix C, Table D or toxicological-specific information (i.e., SF[ol], SF[i]), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

E) For Equation R2, the parameters VF[ss] and VF[p] are calculated. The remaining parameters in Equation R2 have either default values listed in Appendix C, Table D or toxicological-specific information (i.e., RfD[ol], RfD[i]), which can be obtained from IRIS or requested from the program under which the remediation is being performed.

F) For chemicals other than inorganics which do not have default values for the dermal absorption factor (RAF[d]) in Appendix C, Table D, a dermal absorption factor of 0.5 shall be used for Equations R1 and R2. For inorganics, dermal absorption may be disregarded (i.e., RAF[d]=0).

3) Ambient Vapor Inhalation (outdoor) route from Subsurface Soils (soil below one meter)

A) Equations R7 and R8 form the basis for deriving Tier 2 remediation objectives for the ambient vapor inhalation (outdoor) route from subsurface soils using the RBCA approach. Equation R7 is used to calculate soil remediation objectives for carcinogenic contaminants. Equation R8 is used to calculate soil remediation objectives for noncarcinogenic contaminants.

B) For Equation R7, the carcinogenic risk-based screening level for air (RBSL[air]) and the volatilization factor for soils

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below one meter to ambient air (VF[samb]) have numerical values that are calculated using Equations R9 and R11, respectively. Both equations rely on input parameters from a variety of sources.

C) The noncarcinogenic risk-based screening level for air (RBSL[air]) and the volatilization factor for soils below one meter to ambient air (VF[samb]) in Equation R8 have numerical values that can be calculated using Equations R10 and R11, respectively.

c) Soil Component of the Groundwater Ingestion Exposure Route

1) Equation R12 forms the basis for deriving Tier 2 remediation objectives for the soil component of the groundwater ingestion exposure route using the RBCA approach. The parameters, groundwater at the source (GW[source]) and Leaching Factor (LF[sw]), have numerical values that are calculated using Equations R13 and R14, respectively.

2) Equation R13 requires numerical values that are calculated using Equation R15.

3) Equation R14 requires numerical values that are calculated using Equations R21, R22, and R24. For non-ionizing organics, the Soil Water Sorption Coefficient (K[s]) shall be calculated using Equation R20. For ionizing organics and inorganics, the values for K[s] are listed in Appendix C, Tables I and J, respectively. The pH dependent K[s] values for ionizing organics can be calculated using Equation R20 and the pH-dependent K[oc] values in Appendix C, Table I. The remaining parameters in Equation R14 are field measurements or default values listed in Appendix C, Table D.

d) The default value for GW[comp] is the Tier 1 groundwater remediation objective. For chemicals for which there is no Tier 1 groundwater remediation objective, the value for GW[comp] shall be the Health Advisory concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F. As an alternative to using the Tier 1 groundwater remediation objectives or Health Advisory concentrations, GW[comp] may be developed using Equations R25 and R26, if approved institutional controls are in place as may be required in Subpart J.

Section 742.720 Chemicals with Cumulative Noncarcinogenic Effects

Appendix A, Table E lists the groups of chemicals from Appendix B, Tables A and B that have remediation objectives based on noncarcinogenic toxicity and that affect the same target organ. If more than one chemical detected at a site affects the same target organ (i.e., has the same critical effect as defined by the RfD), the initially calculated remediation value for each chemical in the group shall be corrected for cumulative effects by one of the following two methods:

- a) Calculate the weighted average using the following equations:

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$$W[\text{ave}] = \frac{x[1]}{\text{CUO}[x[1]]} + \frac{x[2]}{\text{CUO}[x[2]]} + \frac{x[3]}{\text{CUO}[x[3]]} + \dots + \frac{x[a]}{\text{CUO}[x[a]]}$$

where:

$W[\text{ave}]$ = Weighted Average

$x[1]$ through $x[a]$ = Concentration of each individual contaminant at the location of concern. Note that, depending on the target organ/mode of action, the actual number of contaminants will range from 2 to 14.

$\text{CUO}[x[a]]$ = A Tier 2 remediation objective must be developed for each $x[a]$.

If the value of the weighted average calculated in accordance with the equations above is less than or equal to 1.0, then the remediation objectives are met for those chemicals.

If the value of the weighted average calculated in accordance with the equations above is greater than 1.0, then additional remediation must be carried out until the level of contaminants remaining in the remediated area has a weighted average calculated in accordance with the equation above less than or equal to one.

- b) Divide each individual chemical's remediation objective by the number of chemicals in that specific target organ group that were detected at the site. Each of the contaminant concentrations at the site is then compared to the remediation objectives that have been adjusted to account for this potential additivity. For the noncarcinogenic contaminants listed in Appendix A, Table E, a respective soil remediation objective need be no lower than the respective value listed in Appendix B, Table A or B.

SUBPART H: TIER 2 GROUNDWATER EVALUATION

Section 742.800 Tier 2 Groundwater Evaluation Overview

If the contaminant concentrations in the groundwater exceed the applicable Tier 1 remediation objectives, a person has the following options:

- Demonstrate that the groundwater ingestion exposure route is excluded from consideration pursuant to Subpart C;
- Demonstrate that the groundwater contamination is at or below area background concentrations in accordance with Subpart D and, if

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necessary, an institutional control restricting usage of the groundwater is in place in accordance with Subpart J;

- Remediate to Tier 1 remediation objectives;
- Propose and obtain approval of Tier 2 groundwater remediation objectives in accordance with Section 742.805 and remediate to that level, if necessary;
- Conduct a Tier 3 evaluation in accordance with Subpart I; or
- Obtain approval from the Board to:
 - Reclassify the groundwater pursuant to 35 Ill. Adm. Code 620.260; or
 - Use an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1].

Section 742.805 Tier 2 Groundwater Remediation Objectives

- a) To develop a groundwater remediation objective under this Section that exceeds the applicable Tier 1 groundwater remediation objective, a person may request approval from the Agency if the person has performed the following:

- Identified the horizontal and vertical extent of groundwater for which the Tier 2 groundwater remediation objective is sought;
- Taken corrective action, to the maximum extent practicable to remove any free product;
- Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater will meet:

- The applicable Tier 1 groundwater remediation objective at the point of human exposure; or
- For any contaminant of concern for which there is no Tier 1 groundwater remediation objective, the Health Advisory concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F at the point of human exposure. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;
- Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater within the minimum or designated maximum setback zone of an existing potable water supply well will meet the applicable Tier 1 groundwater remediation objective or if there is no Tier 1 groundwater remediation objective, the Health Advisory concentration;
- Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater discharging into a surface water will meet the applicable water quality standard under 35 Ill. Adm. Code 302;
- Demonstrated that the source of the release is not located within the minimum or designated maximum setback zone or within a

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regulated recharge area of an existing potable water supply well; and

- 7) If the selected corrective action includes an engineered barrier as set forth in Subpart K to minimize migration of contaminant of concern from the soil to the groundwater, demonstrated that the engineered barrier will remain in place for post-remediation land use through an institutional control as set forth in Subpart J.
- b) A groundwater remediation objective that exceeds the water solubility of that chemical (refer to Appendix C, Table E for solubility values) is not allowed.
- c) Groundwater remediation objectives for chemicals which affect the same target organ, organ system or similar mode of action shall meet the requirements of Section 743.505(b)(3). Contaminants of concern for which a Tier 1 remediation objective has been developed shall be included in any mixture of similar-acting substances under consideration in Tier 2.

Section 742.810 Calculations to Predict Impacts from Remaining Groundwater Contamination

- a) Equation R26 predicts the contaminant concentration along the centerline of a plume emanating from a vertical planar source in the aquifer (dimensions $S[w]$ wide and $S[d]$ deep). This model accounts for both three-dimensional dispersion (x is the direction of groundwater flow, y is the other horizontal direction, and z is the vertical direction) and biodegradation.

- 1) The parameters in this equation are:

X = distance from the planar source to the location of concern, along the centerline of the plume (i.e., $y=0$, $z=0$)

$C[x]$ = the concentration of the contaminant at a distance X from the source, along the centerline of the plume

$C[\text{source}]$ = the greatest potential concentration of the contaminant of concern in the groundwater at the source of the contamination, based on the concentrations of contaminants in groundwater due to the release and the projected concentration of the contaminant migrating from the soil to the groundwater. As indicated above, the model assumes a planar source discharging groundwater at a concentration equal to $C[\text{source}]$.

$\text{Alpha}[x]$ = dispersivity in the x direction

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(i.e., Equation R16)

$\text{Alpha}[y]$ = dispersivity in the y direction
(i.e., Equation R17)

$\text{Alpha}[z]$ = dispersivity in the z direction
(i.e., Equation R18)

U = specific discharge (i.e., actual groundwater flow velocity through a porous medium; takes into account the fact that the groundwater actually flows only through the pores of the subsurface materials) where the aquifer hydraulic conductivity (K), the hydraulic gradient (I) and the total soil porosity ($\text{Omega}[T]$) must be known (i.e., Equation R19)

Lambda = first order degradation constant obtained from Appendix C, Table E or from measured groundwater data

$S[w]$ = width of planar source in the y direction

$S[d]$ = depth of planar source in the z direction

- 2) The following parameters are determined through field measurements: U , K , I , $\text{Omega}[T]$, $S[w]$, $S[d]$.

A) The determination of values for U , K , I and $\text{Omega}[T]$ can be obtained through the appropriate laboratory and field techniques;

B) From the immediate down-gradient edge of the source of the groundwater contamination values for $S[w]$ and $S[d]$ shall be determined. $S[w]$ is defined as the width of groundwater at the source which exceeds the Tier 1 groundwater remediation objective. $S[d]$ is defined as the depth of groundwater at the source which exceeds the Tier 1 groundwater remediation objective; and

C) Total soil porosity can also be calculated using Equation R23.

- b) Once values are obtained for all the input parameters identified in subsection (a) of this Section, the contaminant concentration along the centerline of the plume at a distance X from the source shall be calculated such that the distance from the down-gradient edge of the source of the contamination at the site to the point where the contaminant concentration is equal to Tier 1 groundwater remediation objective or Health Advisory concentration.

- 1) If there are any potable water supply wells located within the

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- calculated distance X, then the Tier 1 groundwater remediation objective or Health Advisory concentration shall be met at the edge of the minimum or designated maximum setback zone of the nearest potable water supply down-gradient of the source. If no potable water supply wells exist within the calculated distance X, then it can be determined that no existing potable water supply wells are adversely impacted.
- 2) To demonstrate that no surface water is adversely impacted, X shall be the distance from the down-gradient edge of the source of the contamination at the site to the nearest surface water body. This calculation must show that the contaminant in the groundwater at this location (C(x)) does not exceed the applicable water quality standard.

SUBPART I: TIER 3 EVALUATION

Section 742.900 Tier 3 Evaluation Overview

- a) Tier 3 sets forth a flexible framework to develop remediation objectives outside of the requirements of Tiers 1 and 2. Although Tier 1 and Tier 2 evaluations are not prerequisites to conduct Tier 3 evaluations, data from Tier 1 and Tier 2 can assist in developing remediation objectives under a Tier 3 evaluation.
- b) The level of detail required to adequately characterize a site depends on the particular use of Tier 3. Tier 3 can require additional investigative efforts beyond those described in Tier 2 to characterize the physical setting of the site. However, in situations where remedial efforts have simply reached a physical obstruction additional investigation may not be necessary for a Tier 3 submittal.
- c) Situations that can be considered for a Tier 3 evaluation include, but are not limited to:
 - 1) Modification of parameters not allowed under Tier 2;
 - 2) Use of models different from those used in Tier 2;
 - 3) Use of additional site data to improve or confirm predictions of exposed receptors to contaminants of concern;
 - 4) Analysis of site-specific risks using formal risk assessment, probabilistic data analysis, and sophisticated fate and transport models (e.g., requesting a target hazard quotient greater than 1 or a target cancer risk greater than 1 in 1,000,000);
 - 5) Requests for site-specific remediation objectives because an assessment indicates further remediation is not practical;
 - 6) Incomplete human exposure pathway(s) not excluded under Subpart C;
 - 7) Use of toxicological-specific information not available from the sources listed in Tier 2;
 - 8) Land uses which are substantially different from the assumed residential or industrial/commercial property uses of a site (e.g., a site will be used for recreation in the future and

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- cannot be evaluated in Tiers 1 or 2); and
- 9) Requests for site-specific remediation objectives which exceed Tier 1 groundwater remediation objectives so long as the following is demonstrated:
- A) *To the extent practical, the exceedance of the groundwater quality standard has been minimized and beneficial use appropriate to the groundwater that was impacted has been returned; and*
 - B) *Any threat to human health or the environment has been minimized. (Section 58.5(D)(4)(A) of the Act)*
- d) For requests of a target cancer risk ranging between 1 in 1,000,000 and 1 in 10,000 at the point of human exposure or a target hazard quotient greater than 1 at the point of human exposure, the requirements of Section 742.915 shall be followed. Requests for a target cancer risk exceeding 1 in 10,000 at the point of human exposure are not allowed.
- e) Requests for approval of a Tier 3 evaluation must be submitted to the Agency for review under the specific program under which remediation is performed. When reviewing a submittal under Tier 3, the Agency shall consider *whether the interpretations and conclusions reached are supported by the information gathered.* (Section 58.7(e)(1) of the Act) The Agency shall approve a Tier 3 evaluation if the person submits the information required under this Part and establishes through such information that public health is protected and that specified risks to human health and the environment have been minimized.

Section 742.905 Modifications of Parameters

Any proposed changes to Tier 2 parameters which are not provided for in Tier 2 shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

- a) The justification for the modification; and
- b) The technical and mathematical basis for the modification.

Section 742.910 Alternative Models

Any proposals for the use of models other than those specified in Tier 2 shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

- a) Physical and chemical properties of contaminants of concern;
- b) Contaminant movement properties;
- c) Contaminant availability to receptors;
- d) Receptor exposure to the contaminants of concern;
- e) Mathematical and technical justification for the model proposed;
- f) A licensed copy of the model, if the Agency does not have a licensed copy of the model currently available for use; and
- g) Demonstration that the models were correctly applied.

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Section 742.915 Formal Risk Assessments

A comprehensive site-specific risk assessment shall demonstrate that contaminants of concern at a site do not pose a significant risk to any human receptor. All site-specific risk assessments shall be submitted to the Agency for review and approval. A submittal under this Section shall address the following factors:

- a) Whether the risk assessment procedure used is nationally recognized and accepted including, but not limited to, those procedures incorporated by reference in Section 742.210;
- b) Whether the site-specific data reflects actual site conditions;
- c) The adequacy of the investigation of present and post-remediation exposure routes and risks to receptors identified at the site;
- d) The appropriateness of the sampling and analysis;
- e) The adequacy and appropriateness of toxicity information;
- f) The extent of contamination;
- g) Whether the calculations were accurately performed; and
- h) Proposals seeking to modify the target risk consistent with Section 742.900(d) shall address the following factors:
 - 1) the presence of sensitive populations;
 - 2) the number of receptors potentially impacted;
 - 3) the duration of risk at the differing target levels; and
 - 4) the characteristics of the chemical of concern.

Section 742.920 Impractical Remediation

Any request for site-specific remediation objectives due to impracticality of remediation shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

- a) The reason(s) why the remediation is impractical;
- b) The extent of contamination;
- c) Geology, including soil types;
- d) The potential impact to groundwater;
- e) Results and locations of sampling events;
- f) Map of the area, including all utilities and structures; and
- g) Present and post-remediation uses of the area of contamination, including human receptors at risk.

Section 742.925 Exposure Routes

Technical information may demonstrate that there is no actual or potential impact of contaminants of concern to receptors from a particular exposure route. In these instances, a demonstration excluding an exposure route shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

- a) A description of the route evaluated;
- b) Technical support including a discussion of the natural or man-made barriers to exposure through that route, calculations, and modeling

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results;

- c) Physical and chemical properties of contaminants of concern;
- d) Contaminant migration properties;
- e) Description of the site and physical site characteristics; and
- f) Discussion of the result and possibility of the route becoming active in the future.

Section 742.930 Derivation of Toxicological Data

If toxicological-specific information is not available for one or more contaminants of concern from the sources incorporated by reference in Section 742.210, the derivations of toxicological-specific information shall be submitted for Agency review and approval.

SUBPART J: INSTITUTIONAL CONTROLS**Section 742.1000 Institutional Controls**

- a) Institutional controls in accordance with this Subpart must be placed on the property when remediation objectives are based on any of the following assumptions:

- 1) Industrial/Commercial property use;
- 2) Target cancer risk greater than 1 in 1,000,000;
- 3) Target hazard quotient greater than 1;
- 4) Engineered barrier(s);
- 5) The point of human exposure is located at a place other than at the source;
- 6) Exclusion of exposure routes under Subpart C; or
- 7) Any combination of the above.

- b) The Agency shall not approve any remediation objective under this Part that is based on the use of institutional controls unless the person has proposed institutional controls meeting the requirements of this Subpart and the requirements of the specific program under which the institutional control is proposed. A proposal for approval of institutional controls shall provide identification of the selected institutional controls from among the types recognized in this Subpart.

- c) The following instruments may be institutional controls subject to the requirements of this Subpart J and the requirements of the specific program under which the institutional control is proposed:

- 1) No Further Remediation Letters;
- 2) Restrictive covenants and deed restrictions;
- 3) Negative easements;
- 4) Ordinances adopted and administered by a unit of local government; and
- 5) Agreements between a property owner and a highway authority with respect to any contamination remaining under highways.

- d) An institutional control is transferred with the property.

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Section 742.1005 No Further Remediation Letters

- a) A No Further Remediation Letter issued by the Agency under 35 Ill. Adm. Code 732 or 742 may be used as an institutional control under this Part if the requirements of subsection (b) of this Section are met.
- b) A request for approval of a No Further Remediation Letter as an institutional control shall meet the requirements applicable to the specific program under which the remediation is performed.

Section 742.1010 Restrictive Covenants, Deed Restrictions and Negative Easements

- a) A restrictive covenant, deed restriction or negative easement may be used as an institutional control under this Part if the requirements of this Section are met and the Agency has determined that no further remediation is required as to the property(ies) to which the institutional control is to apply.
- b) A request for approval of a restrictive covenant, deed restriction or negative easement as an acceptable institutional control shall provide the following:
 - 1) A copy of the restrictive covenant, deed restriction, or negative easement in the form it will be recorded with the Office of the Recorder or Registrar of Titles in the county where the site is located;
 - 2) A scaled map showing the horizontal extent of contamination above the applicable remediation objectives;
 - 3) Information showing the concentration of contaminants of concern in which the applicable remediation objectives are exceeded;
 - 4) A scaled map showing the legal boundaries of all properties under which contamination is located that exceeds the applicable remediation objectives and which are subject to the restrictive covenant, deed restriction, or negative;
 - 5) Information identifying the current owner(s) of each property identified in subsection (b)(4) of this Section; and
 - 6) Authorization by the current owner(s), or person authorized by law to act on behalf of the owner, of each property identified in subsection (b)(5) of this Section to record the restrictive covenant or deed restriction.
- c) Any restrictive covenant, deed restriction, or negative easement approved by the Agency pursuant to this Section shall be recorded in the Office of the Recorder or Registrar of Titles of the county in which the site is located together with the instrument memorializing the Agency's no further remediation determination pursuant to the specific program with 45 days after receipt of the Agency's no further remediation determination.
- d) An institutional control approved under this Section shall not become effective until officially recorded in accordance with subsection (c)

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of this Section. The person receiving the approval shall obtain and submit to the Agency within 30 days after recording a copy of the institutional control demonstrating that it has been recorded.

- e) At no time shall any site for which land use has been restricted under an institutional control approved under this Section be used in a manner inconsistent with such land use limitation unless further investigation or remedial action has been conducted that documents the attainment of remediation objectives appropriate for such land use and a new institutional control, if necessary, is approved and recorded in accordance with subsection (c) of this Section.
- f) Violation of the terms of an institutional control approved under this Section shall be grounds for voidance of the institutional control and the instrument memorializing the Agency's no further remediation determination.

Section 742.1015 Ordinances

- a) An ordinance adopted by a unit of local government that effectively prohibits the installation of potable water supply wells (and the use of such wells) may be used as an institutional control to meet the requirements of Section 742.320(d) or 742.805(a)(3) if the requirements of this Section are met. Ordinances prohibiting the installation of potable water supply wells (and the use of such wells) that do not expressly prohibit the installation of potable water supply wells (and the use of such wells) by units of local government may be acceptable as institutional controls if the requirements of this Section are met and a Memorandum of Understanding (MOU) is entered into under subsection (i) of this Section.
- b) A request for approval of a local ordinance as an institutional control shall provide the following:
 - 1) A copy of the ordinance restricting groundwater use certified by an official of the unit of local government in which the site is located that it is the latest, most current copy of the ordinance, unless the Agency and the unit of local government have entered an agreement under subsection (i) of this Section, in which case the request may alternatively reference the MOU. The ordinance must demonstrate that potable use of groundwater from potable water supply wells is prohibited;
 - 2) A scaled map(s) delineating the areal extent of groundwater contamination (measured or modeled) above the applicable remediation objectives;
 - 3) Information showing the concentration of contaminants of concern in which the applicable remediation objectives are exceeded;
 - 4) A scaled map delineating the boundaries of all properties under which groundwater is located which exceeds the applicable groundwater remediation objectives;
 - 5) Information identifying the current owner(s) of each property identified in subsection (b)(4) of this Section; and

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- 6) A copy of the proposed submission of the information to the current owners identified in subsection (b)(5) of this Section of the information required in subsections (b)(1) through (b)(5) of this Section and proof that the notification required in subsection (c) of this Section has been submitted.
- c) Each of the property owners identified in subsection (b)(5) of this Section and the unit of local government must receive written notification from the party desiring to use the institutional control that groundwater remediation objectives have been approved by the Agency. Written proof of this notification shall be submitted to the Agency within 45 days from the date of the instrument memorializing the Agency no further remediation determination. The notification shall include:
 - 1) The name and address of the unit of local government;
 - 2) The citation to the ordinance;
 - 3) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - 4) A statement that the ordinance restricting groundwater use has been used by the Agency in reviewing a request for a groundwater remediation objective;
 - 5) A statement as to the nature of the release and response action with the site name, address, and Agency site number or Illinois inventory identification number and
 - 6) A statement as to where more information may be obtained regarding the ordinance.
- d) Unless the Agency and the unit of local government have entered into a MOU under subsection (i) of this Section, the current owner or successors in interest of a site who have received approval of use of an ordinance as an institutional control under this Section shall:
 - 1) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at properties identified in subsection (b)(4) of this Section; and
 - 2) Notify the Agency of any approved variance requests or ordinance changes within 30 days after the date such action has been approved.
- e) The information required in subsections (b)(1) through (b)(6) of this Section and the Agency letter approving the groundwater remediation objective shall be submitted to the unit of local government. Proof that the information has been filed with the unit of local government shall be provided to the Agency.
- f) Any ordinance or MOU used as an institutional control pursuant to this Section shall be recorded in the Office of the Recorder or Registrar of Titles of the county in which the site is located together with the instrument memorializing the Agency's no further remediation determination pursuant to the specific program within 45 days after receipt of the Agency's no further remediation determination.
- g) An institutional control approved under this Section shall not become

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- effective until officially recorded in accordance with subsection (f) of this Section. The person receiving the approval shall obtain and submit to the Agency within 30 days after recording a copy of the institutional control demonstrating that it has been recorded.
- h) The following shall be grounds for voidance of the ordinance as an institutional control and the instrument memorializing the Agency's no further remediation determination:
 - 1) Modification of the ordinance by the unit of local government to allow potable use of groundwater;
 - 2) Approval of a site-specific request, such as a variance, to allow potable use of groundwater at a site identified in subsection (b)(4) of this Section; or
 - 3) Violation of the terms of an institutional control recorded under Section 742.1005 or Section 742.1010.
- i) The Agency and a unit of local government may enter into a MOU under this Section if the unit of local government has adopted an ordinance satisfying subsection (a) of this Section and if the requirements of this subsection are met. The MOU shall include the following:
 - 1) Identification of the authority of the unit of local government to enter the MOU;
 - 2) Identification of the legal boundaries, or equivalent, under which the ordinance is applicable;
 - 3) A certified copy of the ordinance;
 - 4) A commitment by the unit of local government to notify the Agency of any variance requests or proposed ordinance changes at least 30 days prior to the date the local government is scheduled to take action on the request or proposed change;
 - 5) A commitment by the unit of local government to maintain a registry of all sites within the unit of local government that have received no further remediation determinations pursuant to specific programs and
 - 6) If the ordinance does not expressly prohibit the installation of potable water supply wells (and the use of such wells) by units of local government, a commitment by the unit of local government:
 - A) To review the registry of sites established under subsection (i)(5) of this Section prior to siting potable water supply wells within the area covered by the ordinance;
 - B) To determine whether the potential source of potable water may be or has been affected by contamination left in place at those sites; and
 - C) To take whatever steps are necessary to ensure that the potential source of potable water is protected from the contamination or treated before it is used as a potable water supply.

Section 742.1020 Highway Authority Agreements

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- a) An agreement with a highway authority may be used as an institutional control where the requirements of this Section are met and the Agency has determined that no further remediation is required as to the property(ies) to which the agreement is to apply.
- b) As part of the agreement the highway authority shall agree to:
 - 1) Prohibit the use of groundwater under the highway right of way that is contaminated above residential Tier 1 remediation objectives from the release as a potable supply of water.
 - 2) Limit access to soil contamination under the highway right of way that is contaminated above residential Tier 1 remediation objectives from the release. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected.
- c) A request for approval of an agreement as an institutional control shall provide the following:
 - 1) A copy of the agreement executed by the highway authority and the owner of the property from which the release occurred;
 - 2) A scaled map delineating the areal extent of soil and groundwater contamination above the applicable Tier 1 remediation objectives;
 - 3) Information showing the concentration of contaminants of concern within the zone in which the applicable Tier 1 remediation objectives are exceeded;
 - 4) A stipulation of the information required by subsection (b) of this Section in the agreement if it is not practical to obtain the information by sampling the highway right-of-way; and
 - 5) Information identifying the current fee owner of the highway right-of-way and highway authority having jurisdiction.
- d) Violation of the terms of an Agreement approved by the Agency as an institutional control under this Section shall be grounds for voidance of the Agreement as an institutional control and the instrument memorializing the Agency's no further remediation determination.

SUBPART K: ENGINEERED BARRIERS

Section 742.1100 Engineered Barriers

- a) Any person who develops remediation objectives under this Part based on engineered barriers shall meet the requirements of this Subpart and the requirements of Subpart J relative to institutional controls.
- b) The Agency shall not approve any remediation objective under this Part that is based on the use of engineered barriers unless the person has proposed engineered barriers meeting the requirements of this Subpart.
- c) The use of engineered barriers can be recognized in calculating remediation objectives only if the engineered barriers are intended for use as part of the final corrective action.
- d) Any no further remediation determination based upon the use of engineered barriers shall require effective maintenance of the engineered barrier. The maintenance requirements shall be included in

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an institutional control under Subpart J. This institutional control shall address provisions for temporary breaches of the barrier by requiring the following if intrusive construction work is to be performed in which the engineered barrier is to be temporarily breached:

- 1) The construction workers shall be notified by the site owner/operator in advance of intrusive activities. Such notification shall enumerate the contaminant of concern known to be present; and
- 2) The site owner/operator shall require construction workers to implement protective measures consistent with good industrial hygiene practice.
- e) Failure to maintain an engineered barrier in accordance with that no further remediation determination shall be grounds for voidance of the determination and the instrument memorializing the Agency's no further remediation determination.

Section 742.1105 Engineered Barrier Requirements

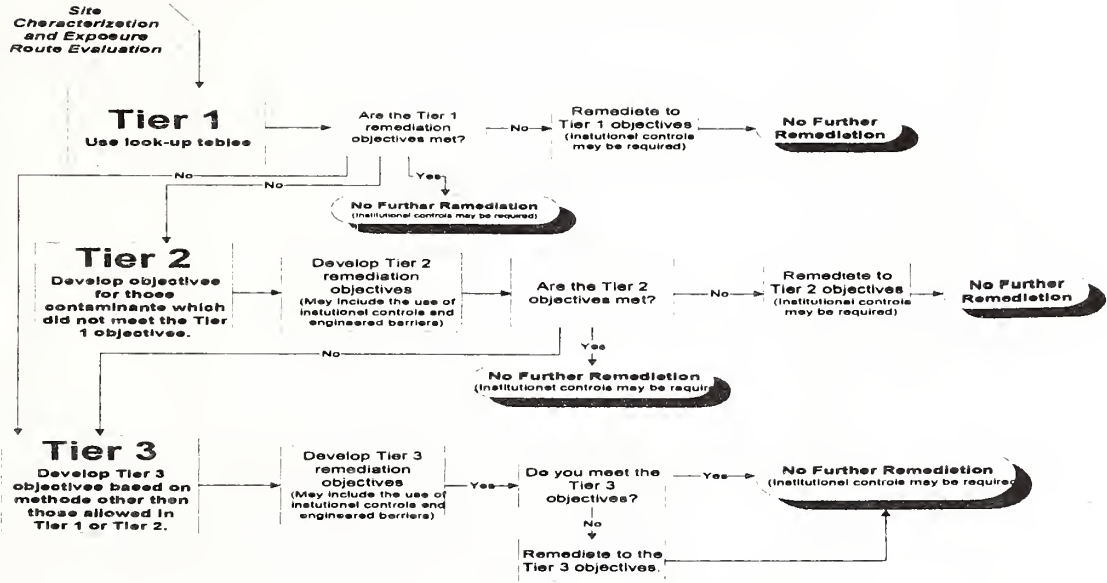
- a) Natural attenuation, access controls, and point of use treatment shall not be considered engineered barriers. Engineered barriers may not be used to prevent direct human exposure to groundwater without the use of institutional controls.
- b) For purposes of determining remediation objectives under Tier 1, engineered barriers are not recognized.
- c) The following engineered barriers are recognized for purposes of calculating remediation objectives that exceed residential remediation objectives:
 - 1) For the soil component of the groundwater ingestion exposure route, the following engineered barriers are recognized:
 - A) Caps, covering the contaminated media, constructed of compacted clay, asphalt, concrete or other material approved by the Agency; and
 - B) Permanent structures such as buildings and highways.
 - 2) For the soil ingestion exposure route, the following engineered barriers are recognized:
 - A) Caps, covering the contaminated media, constructed of compacted clay, asphalt, concrete, or other material approved by the Agency;
 - B) Permanent structures such as buildings and highways; and
 - C) Clean soil, covering the contaminated media, that is a minimum of three feet in depth.
 - 3) For the inhalation exposure route, the following engineered barriers are recognized:
 - A) Caps, covering the contaminated media, constructed of compacted clay, asphalt, concrete, or other material approved by the Agency;
 - B) Permanent structures such as buildings and highways; and

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Section 742.APPENDIX A General

Section 742.ILLUSTRATION A Developing Soil Remediation Objectives Under the Tiered Approach



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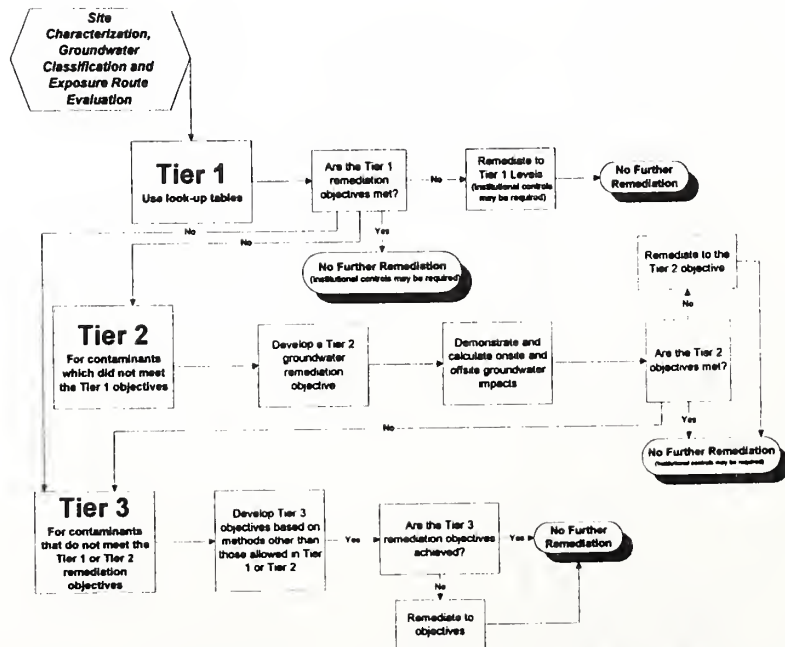
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- C) Clean soil covering the contaminated media, that is a minimum of ten feet in depth and not within ten feet of any manmade pathway.
- 4) For the ingestion of groundwater exposure route, the following engineered barriers are recognized:
- A) Slurry walls; and
 - B) Hydraulic control of groundwater.
- d) Unless otherwise prohibited under Section 742.1100, any other type of engineered barrier may be proposed if it will be as effective as the options listed in subsection (c) of this Section.

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Section 742. ILLUSTRATION B Developing Groundwater Remediation Objectives Under the Tiered Approach



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Section 742. TABLE A Soil Saturation Limits (C[sat]) for Chemicals Whose Melting Point is Less than 30°C

Chemical Name

C[sat] (mg/kg)

Acetone	100,000
Benzene	870
Bis(2-chloroethyl)ether	3,300
Bis(2-ethylhexyl)phthalate	31,000
Bromodichloromethane (Dichlorobromomethane)	3,000
Bromoform	1,900
Butanol	10,000
Butyl benzyl phthalate	930
Carbon disulfide	720
Carbon tetrachloride	1,100
Chlorobenzene (Monochlorobenzene)	680
Chlorodibromomethane (Dibromochloromethane)	1,300
Chloroform	2,900
1,2-Dibromo-3-chloropropane	1,400
1,2-Dibromoethane (Ethylene dibromide)	2,800
Di-n-butyl phthalate	2,300
1,2-Dichlorobenzene (o-Dichlorobenzene)	560
1,1-Dichloroethane	1,700
1,2-Dichloroethane (Ethylene dichloride)	1,800
1,1-Dichloroethylene	1,500
cis-1,2-Dichloroethylene	1,200
trans-1,2-Dichloroethylene	3,100
1,2-Dichloropropane	1,100
1,3-Dichloropropene (1,3-Dichloropropylene, cis + trans)	1,400
Diethyl phthalate	2,000
Di-n-octyl phthalate	10,000
Ethylbenzene	400
Hexachlorocyclopentadiene	2,200
Isophorone	4,600
Methyl bromide (Bromomethane)	3,200
Methylene chloride (Dichloromethane)	2,400
Nitrobenzene	1,000
Styrene	1,500
Tetrachloroethylene (Perchloroethylene)	240
Toluene	650
1,2,4-Trichlorobenzene	3,200
1,1,1-Trichloroethane	1,200
1,1,2-Trichloroethane	1,800
Trichloroethylene	1,300
Vinyl acetate	2,700
Vinyl chloride	1,200
m-Xylene	420

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o-Xylene
p-Xylene
Xylenes (total)

410
460
410

Chemical Name**Ionizable Organics**

2-Chlorophenol

C[sat] (mg/kg)

53,000

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Section 742.TABLE B Tolerance Factor (K)

Tolerance factors (K) for one-sided normal tolerance intervals with probability level (confidence factor) $Y = 0.95$ and coverage $p = 95\%$. n = number of samples collected.

n	K	n	K
3	7.655	150	1.868
4	5.145	175	1.850
5	4.202	200	1.836
6	3.707	225	1.824
7	3.399	250	1.814
8	3.188	275	1.806
9	3.031	300	1.799
10	2.911	325	1.792
11	2.815	350	1.787
12	2.736	375	1.782
13	2.670	400	1.777
14	2.614	425	1.773
15	2.566	450	1.769
16	2.523	475	1.766
17	2.486	500	1.763
18	2.543	525	1.760
19	2.423	550	1.757
20	2.396	575	1.754
21	2.371	600	1.752
22	2.350	625	1.750
23	2.329	650	1.748
24	2.309	675	1.746
25	2.292	700	1.744
30	2.220	725	1.742
35	2.166	750	1.740
40	2.126	775	1.739
45	2.092	800	1.737
50	2.065	825	1.736
55	2.036	850	1.734
60	2.017	875	1.733
65	2.000	900	1.732
70	1.986	925	1.731
75	1.972	950	1.729
100	1.924	975	1.728
125	1.891	1000	1.727

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Section 742.TABLE C Coefficients $\{A_{N-I+1}\}$ for W Test of Normality, for
N=2(1)50

[illegible][illegible]

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16	0.0000	0.0068	0.0131	0.0187	0.0239	0.0287	0.0331	0.0372	0.0409	0.0444
17	---	---	.0000	.0062	.0119	.0172	.0220	.0264	.0305	.0343
18	---	---	---	---	.0000	.0057	.0110	.0158	.0203	.0244
19	---	---	---	---	---	---	.0000	.0053	.0101	.0146
20	---	---	---	---	---	---	---	---	.0000	.0049
i/n	41	42	43	44	45	46	47	48	49	50
1	0.3940	0.3917	0.3894	0.3872	0.3850	0.3830	0.3808	0.3789	0.3770	0.3751
2	.2719	.2701	.2684	.2667	.2651	.2635	.2620	.2604	.2589	.2574
3	.2357	.2345	.2334	.2323	.2313	.2302	.2291	.2281	.2271	.2260
4	.2091	.2085	.2078	.2072	.2065	.2058	.2052	.2045	.2038	.2032
5	.1876	.1874	.1871	.1868	.1865	.1862	.1859	.1855	.1851	.1847
i/n	41	42	43	44	45	46	47	48	49	50
6	0.1693	0.1694	0.1695	0.1695	0.1695	0.1695	0.1695	0.1693	0.1692	0.1691
7	.1531	.1535	.1539	.1542	.1545	.1548	.1550	.1551	.1553	.1554
8	.1384	.1392	.1398	.1405	.1410	.1415	.1420	.1423	.1427	.1430
9	.1249	.1259	.1269	.1278	.1286	.1293	.1300	.1306	.1312	.1317
10	.1123	.1136	.1149	.1160	.1170	.1180	.1189	.1197	.1205	.1212

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i/n	31	32	33	34	35	36	37	38	39	40
1	0.4220	0.4188	0.4156	0.4127	0.4096	0.4068	0.4040	0.4015	0.3989	0.3964
2	.2921	.2898	.2876	.2854	.2834	.2813	.2794	.2774	.2755	.2737
3	.2475	.2463	.2451	.2439	.2427	.2415	.2403	.2391	.2380	.2368
4	.2145	.2141	.2137	.2132	.2127	.2121	.2116	.2110	.2104	.2098
5	.1874	.1878	.1880	.1882	.1883	.1883	.1883	.1881	.1880	.1878
i/n	31	32	33	34	35	36	37	38	39	40
6	0.1641	0.1651	0.1660	0.1667	0.1673	0.1678	0.1683	0.1686	0.1689	0.1691
7	.1433	.1449	.1463	.1475	.1487	.1496	.1503	.1513	.1520	.1526
8	.1243	.1265	.1284	.1301	.1317	.1331	.1344	.1356	.1366	.1376
9	.1066	.1093	.1118	.1140	.1160	.1179	.1196	.1211	.1225	.1237
10	.0899	.0931	.0961	.0988	.1013	.1036	.1056	.1075	.1092	.1108
11	0.0739	0.0777	0.0812	0.0844	0.0873	0.0900	0.0924	0.0947	0.0967	0.0986
12	.0585	.0629	.0669	.0706	.0739	.0770	.0798	.0824	.0848	.0870
13	.0435	.0485	.0530	.0572	.0610	.0645	.0677	.0706	.0733	.0759
14	.0289	.0344	.0395	.0441	.0484	.0523	.0559	.0592	.0622	.0651
15	.0144	.0206	.0262	.0314	.0361	.0404	.0444	.0481	.0515	.0546

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Section 742. TABLE D Percentage Points of the W Test for N=3(1)50

<u>$\frac{1}{n}$</u>	<u>$\frac{0.01}{n}$</u>	<u>$\frac{0.05}{n}$</u>
3	0.753	0.767
4	0.687	0.748
5	0.686	0.762
6	0.713	0.788
7	0.730	0.803
8	0.749	0.818
9	0.764	0.829
10	0.781	0.842
11	0.792	0.850
12	0.805	0.859
13	0.814	0.866
14	0.825	0.874
15	0.835	0.881
16	0.844	0.887
17	0.851	0.892
18	0.858	0.897
19	0.863	0.901
20	0.868	0.905
21	0.873	0.908
22	0.878	0.911
23	0.881	0.914
24	0.884	0.916
25	0.888	0.918
26	0.891	0.920
27	0.894	0.923
28	0.896	0.924
29	0.898	0.926
30	0.900	0.927
31	0.902	0.929
32	0.904	0.930
33	0.906	0.931
34	0.908	0.933
35	0.910	0.934

[illegible]

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Barium	2,4-D cis-1,2-Dichloroethylene
Nitrobenzene	trans 1,2-Dichloroethylene
Fluoranthene	2,4-Dimethylphenol
Fluorene	
Styrene	
Zinc	
<u>Gastrointestinal System</u>	
Endothall	Hexachlorocyclopentadiene
Methyl bromide	
<u>Reproductive System</u>	
Barium	
Boron	Carbon disulfide
Carbon disulfide	2-Chlorophenol
1,2 Dibromo-3-Chloropropane (I)	
Dinoseb	
Methoxychlor	
Phenol	
<u>Cholinesterase Inhibition</u>	
Aldicarb	
Carbofuran	
<u>Decreased Body Weight Gains and</u>	
Atrazine	
Simazine	
<u>Adrenal Gland</u>	
Nitrobenzene	
1,2,4-Trichlorobenzene	
<u>Respiratory System</u>	
1,2-Dichloropropane	
Hexachlorocyclopentadiene	
Methyl bromide	
Vinyl acetate	
<u>Immune System</u>	
2,4-Dichlorophenol	
p-Chloroaniline	

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Section 742.TABLE E Chemicals with Noncarcinogenic Toxic Effects on Specific Target Organs/Organ Systems or Similar Modes of Action	
Kidney	
Acetone	
Cadmium (Ingestion only)	
Chlorobenzene	
Dalapon	
1,1-Dichloroethane	
Di-n-octyl phthalate	
Endosulfan	
Ethylbenzene	
Fluoranthene	
Nitrobenzene	
Pyrene	
Toluene	
2,4,5-Trichlorophenol	
Vinyl acetate	
Liver	
Acenaphthene	
Acetone	
Butylbenzyl phthalate	
Chlorobenzene	
1,1-Dichloroethylene	
Endrin	
Ethylbenzene	
Fluoranthene	
Nitrobenzene	
Picloram	
Styrene	
2,4,5-TP (Silvex)	
Toluene	
2,4,5-Trichlorophenol	
Central Nervous System	
Butanol	
Cyanide (amenable)	
2,4-Dimethylphenol	
Endrin	
Manganese	
2-Methylphenol	
Mercury	
Styrene	
Xylenes	
Circulatory System	
Antimony	

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Section 742. TABLE F Chemicals with Carcinogenic Toxic Effects on Specific Target Organs/Organ Systems or Similar Modes of Action

Kidney
 Bromodichloromethane
 Chloroform
 1,2-Dibromo-3-chloropropane
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene
 Hexachlorobenzene
 Liver
 Aldrin
 Bix(2-chloroethoxy)ether
 Bis(2-ethylhexyl)phthalate
 Carbazole
 Carbon tetrachloride
 Chlordane
 Chloroform
 DDD
 DDE
 DDT
 1,2-Dibromo-3-chloropropane
 1,2-Dibromoethane
 3,3'-Dichlorobenzidine
 1,2-Dichloroethane
 1,3-Dichloropropane (Ingestion only)
 1,3-Dichloropropylene
 Dieldrin
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene
 Heptachlor
 Heptachlor epoxide
 Hexachlorobenzene
 alpha-HCH
 gamma-HCH (Lindane)
 Methylene chloride
 N-Nitrosodiphenylamine
 N-Nitrosodi-n-propylamine
 Pentachlorophenol
 Tetrachloroethylene
 Trichloroethylene
 2,4,6-Trichlorophenol
 Toxaphene
 Vinyl chloride
 Circulatory System
 Benzene

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2,4,6-Trichlorophenol

Gastrointestinal System
 Benzo(a)anthracene
 Benzo(b)fluoranthene
 Benzo(k)fluoranthene
 Benzo(a)pyrene
 Chrysene
 Dibenzo(a,h)anthracene
 Ideno(1,2,3-c,d)pyrene
 Bromodichloromethane
 Bromoform
 1,2-Dibromo-3-chloropropane
 1,2-Dibromoethane
 1,3-Dichloropropylene
Lung
 Arsenic
 Beryllium (Inhalation only)
 Cadmium (Inhalation only)
 Chromium, hexavalent (Inhalation only)
 1,3-Dichloropropylene
 Methylene chloride
 N-Nitrosodi-n-propylamine
 Vinyl chloride
Nasal Cavity
 1,2-Dibromo-3-chloropropane (Inhalation only)
 1,2-Dibromoethane (Inhalation only)
 N-Nitrosodi-n-propylamine
Bladder
 3,3'-Dichlorobenzidine
 1,3-Dichloropropylene
 N-Nitrosodiphenylamine

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Section 742. TABLE G Concentrations of Inorganic Chemicals in Background Soils

Chemical Name	Counties Within Metropolitan Statistical Areas(a) (mg/kg)	Counties Outside Metropolitan Statistical Areas (mg/kg)
Aluminum	9,500	9,200
Antimony	4.0	3.3
Arsenic	7.2	5.2
Barium	110	122
Beryllium	0.59	0.56
Cadmium	0.6	0.50
Calcium	9,300	5,525
Chromium	16.2	13.0
Cobalt	8.9	8.9
Copper	19.6	12.0
Cyanide	0.51	0.50
Iron	15,900	15,000
Lead	36.0	20.9
Magnesium	4,820	2,700
Manganese	636	630
Mercury	0.06	0.05
Nickel	18.0	13.0
Potassium	1,268	1,100
Selenium	0.48	0.37
Silver	0.55	0.50
Sodium	130	130.0
Sulfate	85.5	110
Sulfide	3.1	2.9
Thallium	0.32	0.42
Vanadium	25.2	25.0
Zinc	95.0	60.2

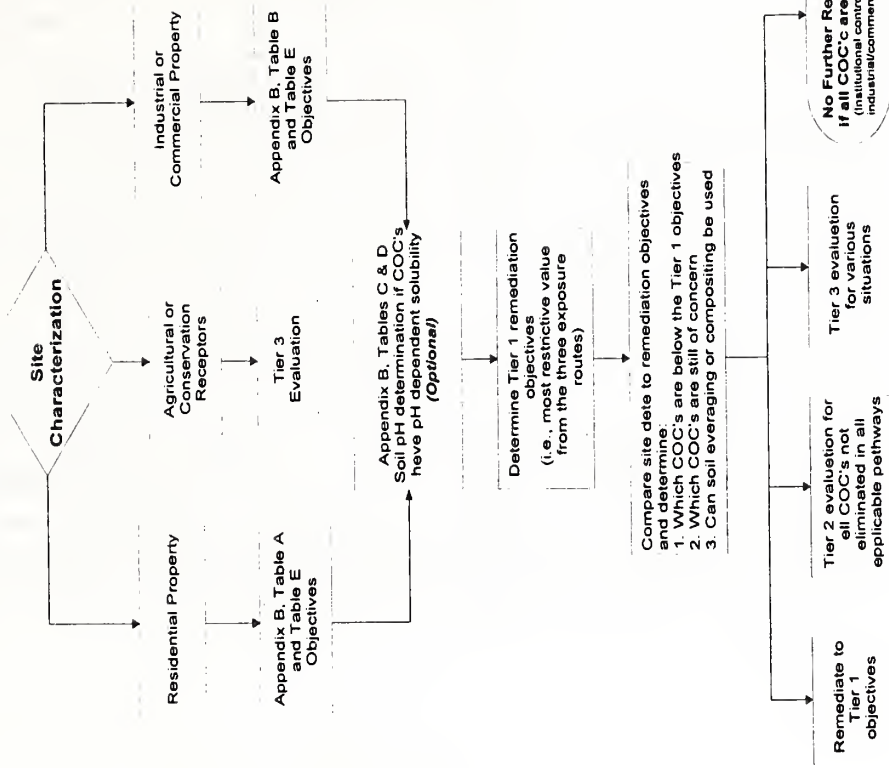
(a) Counties within Metropolitan Statistical Areas: Boone, Champaign, Clinton, Cook, DuPage, Grundy, Henry, Jersey, Kane, Kankakee, Kendall, Lake, Macon, Madison, McHenry, McLean, Menard, Monroe, Peoria, Rock Island, Sangamon, St. Clair, Tazewell, Will, Winnebago and Woodford.

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Section 742. APPENDIX B Tier 1 Tables and Illustrations

Section 742. ILLUSTRATION A Tier 1 Evaluation



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Section 742. TABLE A Tier 1 Soil Remediation Objectives(a) for Residential Properties

CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
207-08-9	Benzo(k)fluoranthene	9 ^e	--- ^c	49	250	*
50-32-8	Benzo(a)pyrene	0.09 ^{e,f}	--- ^c	8	82	*
111-44-4	Bis(2-chloroethyl)ether	0.6 ^e	0.2 ^{e,f}	0.0004 ^{e,f}	0.0004	0.66
117-81-7	Bis(2-ethylhexyl)phthalate	46 ^e	31,000 ^d	3,600	31,000 ^d	*
75-27-4	Bromodichloromethane (Dichlorobromomethane)	10 ^e	3,000 ^d	0.6	0.6	*
75-25-2	Bromoform	81 ^e	53 ^e	0.8	0.8	*
71-36-3	Butanol	7,800 ^b	10,000 ^d	17 ^b	17	NA
85-68-7	Butyl benzyl phthalate	16,000 ^b	930 ^d	930 ^d	930 ^d	*
86-74-8	Carbazole	32 ^e	--- ^c	0.6 ^e	2.8	NA
1563-66-2	Carbofuran ^a	390 ^b	--- ^c	0.22	1.1	NA
75-15-0	Carbon disulfide	7,800 ^b	720 ^d	32 ^b	160	*

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Section 742. TABLE A Tier 1 Soil Remediation Objectives(a) for Residential Properties

CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
83-32-9	Acenaphthene	4,700 ^b	--- ^c	570 ^b	2,900	*
67-64-1	Acetone	7,800 ^b	100,000 ^d	16 ^b	16	*
15972-60-8	Alachlor ^a	8 ^e	--- ^c	0.04	0.2	NA
116-06-3	Aldicarb ^b	78 ^b	--- ^c	0.013	0.07	NA
309-00-2	Aldrin	0.04 ^e	3 ^e	0.5 ^e	2.5	*
120-12-7	Anthracene	23,000 ^b	--- ^c	12,000 ^b	59,000	*
1912-24-9	Atrazine ^a	2700 ^b	--- ^c	0.066	0.33	NA
71-43-2	Benzene	22 ^e	0.8 ^e	0.03	0.17	*
56-55-3	Benzo(a)anthracene	0.9 ^e	--- ^c	2	8	*
205-99-2	Benzo(b)fluoranthene	0.9 ^e	--- ^c	5	25	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
50-29-3	DDT	2 ^c	--- ^a	32 ^a	160	*
53-70-3	Dibenzo(a,h)anthracene	0.09 ^{c,f}	--- ^c	2	7.6	*
96-12-8	1,2-Dibromo-3-chloropropane	0.46 ^c	11 ^b	0.002	0.002	*
106-93-4	1,2-Dibromoethane (Ethylene dibromide)	0.0075 ^c	0.17 ^a	0.0004	0.004	0.005
84-74-2	Di-n-butyl phthalate	7,800 ^b	2,300 ^d	2,300 ^d	2,300 ^d	*
95-50-1	1,2-Dichlorobenzene (o - Dichlorobenzene)	7,000 ^b	560 ^d	17	43	*
106-46-7	1,4-Dichlorobenzene (p - Dichlorobenzene)	--- ^c	--- ^a	2	11	*
91-94-1	3,3'-Dichlorobenzidine	1 ^a	--- ^c	0.007 ^{c,f}	0.033	1.3
75-34-3	1,1-Dichloroethane	7,800 ^b	1,300 ^b	23 ^b	110	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
56-23-5	Carbon tetrachloride	5 ^a	0.3 ^a	0.07	0.33	*
57-74-9	Chlordane	0.5 ^a	20 ^c	10	48	*
106-47-8	4-Chloroaniline (p-Chloroaniline)	310 ^b	--- ^c	0.7 ^b	0.7	1.3
108-90-7	Chlorobenzene (Monochlorobenzene)	1,600 ^b	130 ^b	1	6.5	*
124-48-1	Chlorodibromomethane (Dibromochloromethane)	1,600 ^b	1,300 ^d	0.4	0.4	*
67-66-3	Chloroform	100 ^c	0.3 ^a	0.6	2.9	*
218-01-9	Chrysene	88 ^c	--- ^c	160	800	*
94-75-7	2,4-D	780 ^b	--- ^c	1.5	7.7	*
75-99-0	Dalapon	2,300 ^b	--- ^c	0.85	8.5	1.2
72-54-8	DDD	3 ^c	--- ^c	16 ^c	80	*
72-55-9	DDE	2 ^a	--- ^c	54 ^c	270	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	7 ^e	0.4 ^e	0.02	0.1	*
75-35-4	1,1-Dichloroethylene	700 ^b	1,500 ^d	0.06	0.3	*
156-59-2	<i>cis</i> -1,2-Dichloroethylene	780 ^b	1,200 ^d	0.4	1.1	*
156-60-5	<i>trans</i> -1,2-Dichloroethylene	1,600 ^b	3,100 ^d	0.7	3.4	*
78-87-5	1,2-Dichloropropane	9 ^e	15 ^b	0.03	0.15	*
542-75-6	1,3-Dichloropropene (1,3-Dichloropropylene, <i>cis</i> + <i>trans</i>)	4 ^e	0.1 ^e	0.004 ^e	0.02	0.005
60-57-1	Dieldrin ^a	0.04 ^e	1 ^e	0.004 ^e	0.02	*
84-66-2	Diethyl phthalate	63,000 ^b	2,000 ^d	470 ^b	470	*
105-67-9	2,4-Dimethylphenol	1,600 ^b	... ^c	9 ^b	9	*
121-14-2	2,4-Dinitrotoluene	0.9 ^e	... ^c	0.0008 ^{e,f}	0.0008	0.013

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
606-20-2	2,6-Dinitrotoluene	0.9 ^e	... ^c	0.0007 ^{e,f}	0.0007	0.0067
117-84-0	Di- <i>n</i> -octyl phthalate	1,600 ^b	10,000 ^d	10,000 ^d	10,000 ^d	*
115-29-7	Endosulfan	470 ^b	... ^c	18 ^b	90	*
145-73-3	Endothall ^a	1,600 ^b	... ^c	0.4	0.4	NA
72-20-8	Endrin	23 ^b	... ^c	1	5	*
100-41-4	Ethylbenzene	7,800 ^b	400 ^d	13	19	*
206-44-0	Fluoranthene	3,100 ^b	... ^c	4,300 ^b	21,000	*
86-73-7	Fluorene	3,100 ^b	... ^c	560 ^b	2,800	*
76-44-8	Heptachlor	0.1 ^e	0.1 ^e	23	110	*
1024-57-3	Heptachlor epoxide	0.07 ^e	5 ^e	0.7	3.3	*
118-74-1	Hexachlorobenzene	0.4 ^e	1 ^e	2	11	*
319-84-6	<i>alpha</i> -HCH (<i>alpha</i> -BHC)	0.1 ^e	0.8 ^e	0.0005 ^{e,f}	0.003	0.002

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
86-30-6	<i>N</i> -Nitrosodiphenylamine	130 ^e	--- ^c	1 ^e	5.6	*
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine	0.09 ^{e,f}	--- ^c	0.00005 ^{e,f}	0.00005	0.66
108-95-2	Phenol	47,000 ^b	--- ^c	100 ^b	100	*
1918-02-1	Picloram ^o	5,500 ^b	--- ^c	2	20	NA
1336-36-3	Polychlorinated biphenyls (PCBs) ⁿ	1; 10 ^b	--- ^{c,h}	--- ^h	--- ^h	*
129-00-0	Pyrene	2,300 ^b	--- ^c	4,200 ^b	21,000	*
122-34-9	Simazine ^o	390 ^b	--- ^c	0.04	0.37	NA
100-42-5	Styrene	16,000 ^b	1,500 ^d	4	18	*
127-18-4	Tetrachloroethylene (Perchloroethylene)	12 ^e	11 ^e	0.06	0.3	*
108-88-3	Toluene	16,000 ^b	650 ^d	12	29	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
58-89-9	<i>gamma</i> -HCH (Lindane) ^a	0.5 ^e	--- ^c	0.009	0.047	*
77-47-4	Hexachlorocyclopentadiene	550 ^b	10 ^b	400	2,200 ^d	*
67-72-1	Hexachloroethane	78 ^b	--- ^c	0.5 ^b	2.6	*
193-39-5	Indeno(1,2,3- <i>c,d</i>)pyrene	0.9 ^e	--- ^c	14	69	*
78-59-1	Isophorone	15,600 ^b	4,600 ^d	8 ^b	8	*
72-43-5	Methoxychlor	390 ^b	--- ^c	160	780	*
74-83-9	Methyl bromide (Bromomethane)	110 ^b	10 ^b	0.2 ^b	1.2	*
75-09-2	Methylene chloride (Dichloromethane)	85 ^e	13 ^e	0.02 ^e	0.2	*
95-48-7	2-Methylphenol (<i>o</i> - Cresol)	3,900 ^b	--- ^c	15 ^b	15	*
91-20-3	Naphthalene	3,100 ^b	--- ^c	84 ^b	420	*
98-95-3	Nitrobenzene	39 ^b	92 ^b	0.1 ^{b,f}	0.1	0.26

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
1330-20-7	Xylenes (total)	160,000 ^b	410 ^d	150	150	*
	Ionizable Organics					
65-85-0	Benzoic Acid	310,000 ^b	--- ^c	400 ^{b,i}	400 ⁱ	*
95-57-8	2-Chlorophenol	390 ^b	53,000 ^d	4 ^{b,j}	4 ⁱ	*
120-83-2	2,4-Dichlorophenol	230 ^b	--- ^c	1 ^{b,i}	1 ⁱ	*
51-28-5	2,4-Dinitrophenol	160 ^b	--- ^c	0.2 ^{b,i}	0.2	3.3
88-85-7	Dinoseb ^a	78 ^b	--- ^c	0.34 ^{b,i}	3.4 ⁱ	*
87-86-5	Pentachlorophenol	3 ^{c,i}	--- ^c	0.03 ^{c,i}	0.14 ⁱ	2.4
93-72-1	2,4,5-TP (Silvex)	630 ^b	--- ^c	11 ⁱ	55 ⁱ	*
95-95-4	2,4,5-Trichlorophenol	7,800 ^b	--- ^c	270 ^{b,i}	1,400 ⁱ	*
88-06-2	2,4,6 Trichlorophenol	58 ^c	200 ^c	0.2 ^{c,i,j}	0.77 ⁱ	0.43

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	
8001-35-2	Toxaphene ^a	0.6 ^c	89 ^c	31	150	*
120-82-1	1,2,4-Trichlorobenzene	780 ^b	3,200 ^b	5	53	*
71-55-6	1,1,1-Trichloroethane	--- ^c	1,200 ^d	2	9.6	*
79-00-5	1,1,2-Trichloroethane	310 ^b	1,800 ^d	0.02	0.3	*
79-01-6	Trichloroethylene	58 ^c	5 ^c	0.06	0.3	*
108-05-4	Vinyl acetate	78,000 ^b	1,000 ^b	170 ^b	170	*
75-01-4	Vinyl chloride	0.3 ^c	0.03 ^c	0.01 ⁱ	0.07	*
108-38-3	m-Xylene	160,000 ^b	420 ^d	210	210	*
95-47-6	o-Xylene	160,000 ^b	410 ^d	190	190	*
106-42-3	p-Xylene	160,000 ^b	460 ^d	200	200	*

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CAS No.	Chemical Name	Exposure Route-specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/L)	Class II (mg/L)	
7440-50-8	Copper ^a	2,900 ^b	--- ^c	0.65 ^m	0.65 ^m	*
57-12-5	Cyanide (amenable)	1,600 ^b	--- ^c	0.2 ^q	0.6 ^q	*
7782-41-4	Fluoride	4,700 ^b	--- ^c	4.0 ^m	4.0 ^m	*
15438-31-0	Iron	--- ^c	--- ^c	5.0 ^m	5.0 ^m	*
7439-92-1	Lead	400 ^b	--- ^c	0.0075 ^m	0.1 ^m	*
7439-96-5	Manganese	3,700 ^b	69,000 ^b	0.15 ^m	10.0 ^m	*
7439-97-6	Mercury ^{l,n}	23 ^{b,i}	10 ^{b,i}	0.002 ^m	0.01 ^m	*
7440-02-0	Nickel ^l	1,600 ^b	13,000 ^c	0.1 ^m	2.0 ^m	*
14797-55-8	Nitrate as N ^p	130,000 ^b	--- ^c	10.0 ^q	100 ^q	*
7782-49-2	Selenium ^{l,n}	390 ^b	--- ^c	0.05 ^m	0.05 ^m	*

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CAS No.	Chemical Name	Exposure Route-specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/L)	Class II (mg/L)	
	Inorganics					
7440-36-0	Antimony	31 ^b	--- ^c	0.006 ^m	0.024 ^m	*
7440-38-2	Arsenic ^{l,n}	0.4 ^{c,i}	750 ^c	0.05 ^m	0.2 ^m	*
7440-39-3	Barium	5,500 ^b	690,000 ^b	2.0 ^m	2.0 ^m	*
7440-41-7	Beryllium	0.1 ^{c,i}	1,300 ^c	0.004 ^m	0.5 ^m	*
7440-42-8	Boron	7,000 ^b	--- ^c	2.0 ^m	2.0 ^m	*
7440-43-9	Cadmium ^{l,n}	78 ^{b,i}	1,800 ^c	0.005 ^m	0.05 ^m	*
16887-00-6	Chloride	--- ^c	--- ^c	200 ^m	200 ^m	*
7440-47-3	Chromium, total	390 ^b	270 ^c	0.1 ^m	1.0 ^m	*
16065-83-1	Chromium, ion, trivalent	78,000 ^b	--- ^c	--- ^s	--- ^s	*
18540-29-9	Chromium, ion, hexavalent	390 ^b	270 ^c	---	---	*
7440-48-4	Cobalt	4,700 ^b	--- ^c	1.0 ^m	1.0 ^m	*

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Chemical Name and Soil Remediation Objective Notations

- (a) Soil remediation objectives based on human health criteria only.
- (b) Calculated values correspond to a target hazard quotient of 1.
- (c) No toxicity criteria available for the route of exposure.
- (d) Soil saturation concentration (C(sat)) = the concentration at which the absorptive limits of the soil particles, the solubility limits of the available soil moisture, and saturation of soil pore air have been reached. Above the soil saturation concentration, the assumptions regarding vapor transport to air and/or dissolved phase transport to groundwater (for chemicals which are liquid at ambient soil temperatures) have been violated, and alternative modeling approaches are required.
- (e) Calculated values correspond to a cancer risk level of 1 in 1,000,000.
- (f) Level is at or below Contract Laboratory Program required quantitation limit for Regular Analytical Services (RAS).
- (g) Chemical-specific properties are such that this route is not of concern at any soil contaminant concentration.
- (h) A preliminary goal of 1 ppm has been set for PCBs based on Guidance on Remedial Actions for Superfund Sites with PCB Contamination, EPA/540G-90/007, and on USEPA efforts to manage PCB contamination. See 40 CFR 761.120 - USEPA "PCB Spill Cleanup Policy." This regulation goes on to say that the cleanup goal for an unrestricted area is 10 ppm and 25 ppm for a restricted area, provided both have at least 10 inches of clean cover.
- (i) Soil remediation objective for pH of 6.8. If soil pH is other than 6.8, refer to Appendix B, Tables C and D of this Part.
- (j) Ingestion soil remediation objective adjusted by a factor of 0.5 to account for dermal route.
- (k) A preliminary remediation goal of 400 mg/kg has been set for lead based on Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities, OSWER Directive #9355.4-12.
- (l) Potential for soil-plant-human exposure.
- (m) The person conducting the remediation has the option to use: (1) TCLP or SPLP test results to compare with the remediation objectives listed in this Table; or (2) the total amount of contaminant in the soil

CAS No.	Chemical Name	Exposure Route-specific Values for Soils		Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/L)	Class II (mg/L)	
7440-22-4	Silver	390 ^b	---	0.05 ^m	---	*
14808-79-8	Sulfate	---	---	400 ^m	400 ^m	*
7440-28-0	Thallium	6.3 ^{b,u}	---	0.002 ^m	0.02 ^m	*
7440-62-2	Vanadium	550 ^b	---	0.049 ^m	---	*
7440-66-6	Zinc ⁱ	23,000 ^b	---	5.0 ^m	10 ^m	*

** indicates that the ADL is less than or equal to the specified remediation objective.
 NA means not available; no PQL or EQL available in USEPA analytical methods.

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sample results to compare with pH specific remediation objectives listed in Appendix B, Table C or D of this Part. (See Section 742.510.) If the person conducting the remediation wishes to calculate soil remediation objectives based on background concentrations, this should be done in accordance with Subpart D of this Part.

(n) The Agency reserves the right to evaluate the potential for remaining contaminant concentrations to pose significant threats to crops, livestock, or wildlife.

(o) For agricultural facilities, remediation objectives for surficial soils which are based on field application rates may be more appropriate for currently registered pesticides. Consult the Agency for further information.

(p) For agricultural facilities, soil remediation objectives based on site-specific background concentrations of Nitrate as N may be more appropriate. Such determinations shall be conducted in accordance with the procedures set forth in Subparts D and I of this Part.

(q) The TCLP extraction must be done using water at a pH of 7.0.

(r) Value based on dietary Reference Dose.

(s) Value based on Reference Dose for Mercuric chloride (CAS No. 7487-94-7).

(t) Note that Table value is likely to be less than background concentration for this chemical; screening or remediation concentrations using the procedures of Subpart D of this Part may be more appropriate.

(u) Value based on Reference Dose for Thallium sulfate (CAS No. 7446-18-6).

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Section 742. TABLE B Tier 1 Soil Remediation Objectives(a) for Industrial/Commercial Properties

CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Industrial-Commercial		Construction Worker		Class I (mg/kg)	Class II (mg/kg)	
83-32-9	Acenaphthene	120,000 ^a	----- ^c	120,000 ^a	----- ^c	570 ^a	2,900	*
67-64-1	Acetone	200,000 ^a	100,000 ^d	200,000 ^a	100,000 ^d	16 ^b	16	*
15972-60-8	Alachlor ^a	72 ^e	----- ^c	1,600 ^e	----- ^c	0.04	0.2	NA
116-06-3	Aldicarb ^a	2,000 ^b	----- ^c	200 ^b	----- ^c	0.013	0.07	NA
309-00-2	Aldrin	0.3 ^e	6.6 ^e	6.1 ^b	9.3 ^e	0.5 ^e	2.5	*
120-12-7	Anthracene	610,000 ^b	----- ^c	610,000 ^b	----- ^c	12,000 ^b	59,000	*
1912-24-9	Atrazine ^a	72,000 ^b	----- ^c	7,100 ^b	----- ^c	0.066	0.33	NA
71-43-2	Benzene	200 ^e	1.5 ^e	4,300 ^e	2.1 ^e	0.03	0.17	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Industrial-Commercial		Construction Worker		Class I (mg/kg)	Class II (mg/kg)	
1563-66-2	Carbofuran ^a	10,000 ^b	----- ^c	1,000 ^b	----- ^c	0.22	1.1	NA
75-15-0	Carbon disulfide	200,000 ^b	720 ^d	20,000 ^b	9.0 ^b	32 ^b	160	*
56-23-5	Carbon tetrachloride	44 ^e	0.64 ^e	410 ^b	0.90 ^e	0.07	0.33	*
57-74-9	Chlordane	4 ^e	38 ^e	12 ^b	53 ^e	10	48	*
106-47-8	4 - Chloroaniline (<i>p</i> -Chloroaniline)	8,200 ^b	----- ^c	820 ^b	----- ^c	0.7 ^b	0.7	1.3
108-90-7	Chlorobenzene (Monochlorobenzene)	41,000 ^b	210 ^b	4,100 ^b	1.3 ^b	1	6.5	*
124-48-1	Chlorodibromomethane (Dibromochloromethane)	41,000 ^b	1,300 ^d	41,000 ^b	1,300 ^d	0.4	0.4	*
67-66-3	Chloroform	940 ^e	0.54 ^e	2,000 ^b	0.76 ^e	0.6	2.9	*
218-01-9	Chrysene	780 ^e	----- ^c	17,000 ^e	----- ^c	160	800	*
94-75-7	2,4-D	20,000 ^b	----- ^c	2,000 ^b	----- ^c	1.5	7.7	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Industrial-Commercial		Construction Worker		Class I (mg/kg)	Class II (mg/kg)	
56-55-3	Benzo(a)anthracene	8 ^e	----- ^c	170 ^e	----- ^c	2	8	*
205-99-2	Benzo(b)fluoranthene	8 ^e	----- ^c	170 ^e	----- ^c	5	25	*
207-08-9	Benzo(k)fluoranthene	78 ^e	----- ^c	1,700 ^e	----- ^c	49	250	*
50-32-8	Benzo(a)pyrene	0.8 ^e	----- ^c	17 ^e	----- ^c	8	82	*
111-44-4	Bis(2-chloroethyl)ether	5 ^e	0.47 ^e	75 ^e	0.66 ^e	0.0004 ^{e,f}	0.0004	0.66
117-81-7	Bis(2-ethylhexyl)phthalate	410 ^e	31,000 ^d	4,100 ^b	31,000 ^d	3,600	31,000 ^d	*
75-27-4	Bromodichloromethane (Dichlorobromomethane)	92 ^e	3,000 ^d	2,000 ^e	3,000 ^d	0.6	0.6	*
75-25-2	Bromoform	720 ^e	100 ^e	16,000 ^e	140 ^e	0.8	0.8	*
71-36-3	Butanol	200,000 ^b	10,000 ^d	200,000 ^b	10,000 ^d	17 ^b	17	NA
85-68-7	Butyl benzyl phthalate	410,000 ^b	930 ^d	410,000 ^b	930 ^d	930 ^d	930 ^d	*
86-74-8	Carbazole	290 ^e	----- ^c	6,200 ^e	----- ^c	0.6 ^e	2.8	NA

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Industrial-Commercial		Construction Worker		Class I (mg/kg)	Class II (mg/kg)	
91-94-1	3,3'-Dichlorobenzidine	13 ^e	----- ^c	280 ^e	----- ^c	0.007 ^{e,f}	0.033	1.3
75-34-3	1,1-Dichloroethane	200,000 ^b	1,700 ^d	200,000 ^b	130 ^b	23 ^b	110	*
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	63 ^e	0.70 ^e	1,400 ^e	0.99 ^e	0.02	0.1	*
75-35-4	1,1-Dichloroethylene	18,000 ^b	1,500 ^d	1,800 ^b	1,500 ^d	0.06	0.3	*
156-59-2	<i>cis</i> -1,2-Dichloroethylene	20,000 ^b	1,200 ^d	20,000 ^b	1,200 ^d	0.4	1.1	*
156-60-5	<i>trans</i> -1,2-Dichloroethylene	41,000 ^b	3,100 ^d	41,000 ^b	3,100 ^d	0.7	3.4	*
78-87-5	1,2-Dichloropropane	84 ^e	23 ^b	1,800 ^e	0.50 ^b	0.03	0.15	*
542-75-6	1,3-Dichloropropene (1,3-Dichloropropylene, <i>cis</i> + <i>trans</i>)	33 ^e	0.23 ^e	610 ^b	0.33 ^e	0.004 ^e	0.02	0.005
60-57-1	Dieldrin ^a	0.4 ^e	2.2 ^e	7.8 ^e	3.1 ^e	0.004 ^e	0.02	0.0013
84-66-2	Diethyl phthalate	1,000,000 ^b	2,000 ^d	1,000,000 ^b	2,000 ^d	470 ^b	470	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		ADL (mg/kg)
		Industrial-Commercial		Construction Worker		Class I (mg/kg)	Class II (mg/kg)	
75-99-0	Dalapon	61,000 ^b	----- ^c	6,100 ^b	----- ^c	0.85	8.5	1.2
72-54-8	DDD	24 ^e	----- ^c	520 ^e	----- ^c	16 ^e	80	*
72-55-9	DDE	17 ^e	----- ^c	370 ^e	----- ^c	54 ^e	270	*
50-29-3	DDT	17 ^e	1,500 ^e	100 ^b	2,100 ^e	32 ^e	160	*
53-70-3	Dibenzo(a,h)anthracene	0.8 ^e	----- ^c	17 ^e	----- ^c	2	7.6	*
96-12-8	1,2-Dibromo-3-chloropropane	4 ^e	17 ^b	89 ^e	0.11 ^b	0.002	0.002	*
106-93-4	1,2-Dibromoethane (Ethylene dibromide)	0.07 ^e	0.32 ^e	1.5 ^e	0.45 ^e	0.0004	0.004	0.005
84-74-2	Di- <i>n</i> -butyl phthalate	200,000 ^b	2,300 ^d	200,000 ^b	2,300 ^d	2,300 ^d	2,300 ^d	*
95-50-1	1,2-Dichlorobenzene (<i>o</i> -Dichlorobenzene)	180,000 ^b	560 ^d	18,000 ^b	310 ^b	17	43	*
106-46-7	1,4-Dichlorobenzene (<i>p</i> -Dichlorobenzene)	----- ^c	17,000 ^b	----- ^c	340 ^b	2	11	*

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
1024-57-3	Heptachlor epoxide	0.6 ^e	9.2 ^e	2.7 ^b	13 ^c	0.7	3.3	•
118-74-1	Hexachlorobenzene	4 ^e	18 ^e	78 ^e	2.6 ^e	2	11	•
319-84-6	<i>alpha</i> -HCH (<i>alpha</i> -BHC)	0.9 ^e	1.5 ^e	20 ^e	2.1 ^e	0.0005 ^{e,f}	0.003	0.002
58-89-9	<i>gamma</i> -HCH (Lindane) ^a	4 ^e	----- ^c	96 ^e	----- ^c	0.009	0.047	•
77-47-4	Hexachlorocyclopentadiene	14,000 ^b	16 ^b	14,000 ^b	1.1 ^b	400	2,200 ^d	•
67-72-1	Hexachloroethane	2,000 ^b	----- ^c	2,000 ^b	----- ^c	0.5 ^b	2.6	•
193-39-5	Indeno(1,2,3- <i>c,d</i>)pyrene	8 ^e	----- ^c	170 ^e	----- ^c	14	69	•
78-59-1	Isophorone	410,000 ^b	4,600 ^d	410,000 ^b	4,600 ^d	8 ^b	8	•
72-43-5	Methoxychlor	10,000 ^b	----- ^c	1,000 ^b	----- ^c	160	780	•
74-83-9	Methyl bromide (Bromomethane)	2,900 ^b	15 ^b	1,000 ^b	3.9 ^b	0.2 ^b	1.2	•

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
105-67-9	2,4-Dimethylphenol	41,000 ^b	----- ^c	41,000 ^b	----- ^c	9 ^b	9	•
121-14-2	2,4-Dinitrotoluene	8.4 ^e	----- ^c	180 ^e	----- ^c	0.0008 ^{e,f}	0.0008	0.013
606-20-2	2,6-Dinitrotoluene	8.4 ^e	----- ^c	180 ^e	----- ^c	0.0007 ^{e,f}	0.0007	0.0067
117-84-0	Di- <i>n</i> -octyl phthalate	41,000 ^e	10,000 ^d	4,100 ^b	10,000 ^d	10,000 ^d	10,000 ^d	•
115-29-7	Endosulfan	12,000 ^b	----- ^c	1,200 ^b	----- ^c	18 ^b	90	•
145-73-3	Endothall ^o	41,000 ^e	----- ^c	4,100 ^b	----- ^c	0.4	0.4	NA
72-20-8	Endrin	610 ^b	----- ^c	61 ^b	----- ^c	1	5	•
100-41-4	Ethylbenzene	200,000 ^b	400 ^d	20,000 ^b	58 ^b	13	19	•
206-44-0	Fluoranthene	82,000 ^b	----- ^c	82,000 ^b	----- ^c	4,300 ^b	21,000	•
86-73-7	Fluorene	82,000 ^b	----- ^c	82,000 ^b	----- ^c	560 ^b	2,800	•
76-44-8	Heptachlor	1 ^e	11 ^e	28 ^e	16 ^e	23	110	•

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
122-34-9	Simazine ^a	10,000 ^b	----- ^c	1,000 ^b	----- ^c	0.04	0.37	NA
100-42-5	Styrene	410,000 ^b	1,500 ^d	41,000 ^b	430 ^b	4	18	•
127-18-4	Tetrachloroethylene (Perchloroethylene)	110 ^e	20 ^e	2,400 ^e	28 ^e	0.06	0.3	•
108-88-3	Toluene	410,000 ^b	650 ^d	410,000 ^b	42 ^b	12	29	•
8001-35-2	Toxaphene ^a	5.2 ^a	170 ^a	110 ^a	240 ^a	31	150	•
120-82-1	1,2,4-Trichlorobenzene	20,000 ^b	3,200 ^d	2,000 ^b	920 ^b	5	53	•
71-55-6	1,1,1-Trichloroethane	----- ^c	1,200 ^d	----- ^c	1,200 ^d	2	9.6	•
79-00-5	1,1,2-Trichloroethane	8,200 ^b	1,800 ^d	8,200 ^b	1,800 ^d	0.02	0.3	•
79-01-6	Trichloroethylene	520 ^e	8.9 ^e	1,200 ^b	12 ^e	0.06	0.3	•
108-05-4	Vinyl acetate	1,000,000 ^b	1,600 ^b	200,000 ^b	10 ^b	170 ^b	170	•

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
75-09-2	Methylene chloride (Dichloromethane)	760 ^e	24 ^e	12,000 ^b	34 ^e	0.02 ^e	0.2	*
95-48-7	2-Methylphenol (o - Cresol)	100,000 ^b	----- ^c	100,000 ^b	----- ^c	15 ^b	15	*
86-30-6	N-Nitrosodiphenylamine	1,200 ^e	----- ^c	25,000 ^e	----- ^c	1 ^e	5.6	0.66
621-64-7	N-Nitrosodi-n-propylamine	0.8 ^e	----- ^c	18 ^e	----- ^c	0.00005 ^{e,f}	0.00005	0.66
91-20-3	Naphthalene	82,000 ^b	----- ^c	8,200 ^b	----- ^c	84 ^b	420	*
98-95-3	Nitrobenzene	1,000 ^b	140 ^b	1,000 ^b	9.4 ^b	0.1 ^{b,f}	0.1	0.26
108-95-2	Phenol	1,000,000 ^b	----- ^c	120,000 ^b	----- ^c	100 ^b	100	*
1918-02-1	Picloram ^g	140,000 ^b	----- ^c	14,000 ^b	----- ^c	2	20	NA
1336-36-3	Polychlorinated biphenyls (PCBs) ^h	1; 10; 25 ^h	----- ^{c,h}	1 ^h	----- ^{c,h}	----- ^h	----- ^h	*
129-00-0	Pyrene	61,000 ^b	----- ^c	61,000 ^b	----- ^c	4,200 ^b	21,000	*

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
87-86-5	Pentachlorophenol	24 ^{i,j}	----- ^c	520 ^{c,j}	----- ^c	0.03 ^{i,j}	0.14 ⁱ	2.4
93-72-1	2,4,5-TP (Silvex)	16,000 ^b	----- ^c	1,600 ^b	----- ^c	11 ⁱ	55 ⁱ	•
95-95-4	2,4,5-Trichlorophenol	200,000 ^b	----- ^c	200,000 ^b	----- ^c	270 ^{b,i}	1,400 ⁱ	•
88-06-2	2,4,6- Trichlorophenol	520 ^c	390 ^c	11,000 ^c	540 ^c	0.2 ^{c,i,j}	0.77 ⁱ	0.43

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/kg)	Class II (mg/kg)	ADL (mg/kg)
75-01-4	Vinyl chloride	3 ^c	0.06 ^c	65 ^c	0.08 ^c	0.01 ⁱ	0.07	•
108-38-3	m-Xylene	1,000,000	420 ^d	410,000 ^b	420 ^d	210	210	•
95-47-6	o-Xylene	1,000,000	410 ^d	410,000 ^b	410 ^d	190	190	•
106-42-3	p-Xylene	1,000,000	460 ^d	410,000 ^b	460 ^d	200	200	•
1330-20-7	Xylenes (total)	1,000,000 ^b	410 ^d	410,000 ^b	410 ^d	150	150	•
	Ionizable Organics							
65-85-0	Benzoic Acid	1,000,000 ^b	----- ^c	820,000 ^b	----- ^c	400 ^{b,i}	400 ⁱ	•
95-57-8	2-Chlorophenol	10,000 ^b	53,000 ^d	10,000 ^b	53,000 ^d	4 ^{b,i}	20 ⁱ	•
120-83-2	2,4-Dichlorophenol	6,100 ^b	----- ^c	610 ^b	----- ^c	1 ^{b,i}	1 ⁱ	•
51-28-5	2,4-Dinitrophenol	4,100 ^b	----- ^c	410 ^b	----- ^c	0.2 ^{b,i,j}	0.2 ⁱ	3.3
88-85-7	Dinoseb ^a	2,000 ^b	----- ^c	200 ^b	----- ^c	0.34 ^{b,i}	3.4 ⁱ	•

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker		Class I (mg/L)	Class II (mg/L)	
		Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)			
7440-48-4	Cobalt	120,000 ^b	----- ^c	12,000 ^b	----- ^c	1.0 ^m	1.0 ^m	*
7440-50-8	Copper ^a	82,000 ^b	----- ^c	8,200 ^b	----- ^c	0.65 ^m	0.65 ^m	*
57-12-5	Cyanide (amenable)	41,000 ^b	----- ^c	4,100 ^b	----- ^c	0.2 ^a	0.6 ^a	*
7782-41-4	Fluoride	120,000 ^b	----- ^c	12,000 ^b	----- ^c	4.0 ^m	4.0 ^m	*
15438-31-0	Iron	----- ^c	----- ^c	----- ^c	----- ^c	5.0 ^m	5.0 ^m	*
7439-92-1	Lead	400 ^b	----- ^c	400 ^b	----- ^c	0.0075 ^m	0.1 ^m	*
7439-96-5	Manganese	96,000 ^b	91,000 ^b	9,600 ^b	8,700 ^b	0.15 ^m	10.0 ^m	*
7439-97-6	Mercury ^{1,a}	610 ^b	540,000 ^b	61 ^{b,a}	52,000 ^b	0.002 ^m	0.01 ^m	*
7440-02-0	Nickel ^l	41,000 ^b	21,000 ^a	4,100 ^b	440,000 ^a	0.1 ^m	2.0 ^m	*
14797-55-8	Nitrate as N ^b	1,000,000 ^b	----- ^c	330,000 ^b	----- ^c	10.0 ^a	100 ^a	*
7782-49-2	Selenium ^{1,n}	10,000 ^b	----- ^c	1,000 ^b	----- ^c	0.05 ^m	0.05 ^m	*

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CAS No.	Chemical Name	Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker		Class I (mg/L)	Class II (mg/L)	
		Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)			
	Inorganics							
7440-36-0	Antimony	820 ^b	----- ^c	82 ^b	----- ^c	0.006 ^m	0.024 ^m	*
7440-38-2	Arsenic ^{1,n}	3 ^{a,1}	1,200 ^a	61 ^b	25,000 ^a	0.05 ^m	0.2 ^m	*
7440-39-3	Barium	140,000 ^b	910,000 ^b	14,000 ^b	870,000 ^b	2.0 ^m	2.0 ^m	*
7440-41-7	Beryllium	1 ^{a,1}	2,100 ^a	29 ^a	44,000 ^a	0.004 ^m	0.5 ^m	*
7440-42-8	Boron	180,000 ^b	1,000,000	18,000 ^b	1,000,000	2.0 ^m	2.0 ^m	*
7440-43-9	Cadmium ^{1,n}	2,000 ^{a,1}	2,800 ^a	200 ^{a,1}	59,000 ^a	0.005 ^m	0.05 ^m	*
16887-00-6	Chloride	----- ^c	----- ^c	----- ^c	----- ^c	200 ^m	200 ^m	*
7440-47-3	Chromium, total	10,000 ^b	420 ^a	4,100 ^b	8,800 ^a	0.1 ^m	1.0 ^m	*
16065-83-1	Chromium, ion, trivalent	1,000,000 ^b	----- ^c	330,000 ^b	----- ^c	----- ^c	----- ^c	*
18540-29-9	Chromium, ion, hexavalent	10,000 ^b	420 ^a	4,100 ^b	8,800 ^a	----- ^c	----- ^c	*

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Chemical Name and Soil Remediation Objective Notations (2nd, 5th thru 8th Columns)

- (a) Soil remediation objectives based on human health criteria only.
- (b) Calculated values correspond to a target hazard quotient of 1.
- (c) No toxicity criteria available for this route of exposure.
- (d) Soil saturation concentration (C[sat]) = the concentration at which the absorptive limits of the soil particles, the solubility limits of the available soil moisture, and saturation of soil pore air have been reached. Above the soil saturation concentration, the assumptions regarding vapor transport to air and/or dissolved phase transport to groundwater (for chemicals which are liquid at ambient soil temperatures) have been violated, and alternative modeling approaches are required.
- (e) Calculated values correspond to a cancer risk level of 1 in 1,000,000.
- (f) Level is at or below Contract Laboratory Program required quantitation limit for Regular Analytical Services (RAS).
- (g) Chemical-specific properties are such that this route is not of concern at any soil contaminant concentration.
- (h) A preliminary goal of 1 ppm has been set for PCBs based on Guidance on Remedial Actions for Superfund Sites with PCB Contamination, EPA/540C-90/007, and on USEPA efforts to manage PCB contamination. See 40 CFR 761.120 for USEPA "PCB Spill Cleanup Policy." This regulation goes on to say that the cleanup goal for an unrestricted area is 10 ppm and 25 ppm for a restricted area, provided both have at least 10 inches of clean cover.
- (i) Soil remediation objective for pH of 6.8. If soil pH is other than 6.8, refer to Appendix B, Tables C and D in this Part.
- (j) Ingestion soil remediation objective adjusted by a factor of 0.5 to account for dermal route.
- (k) A preliminary remediation goal of 400 mg/kg has been set for lead based on Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities, OSWER Directive #9355.4-12.
- (l) Potential for soil-plant-human exposure.
- (m) The person conducting the remediation has the option to use: (1) TCLP or SPLP test results to compare with the remediation objectives listed

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		Exposure Route-Specific Values for Soils				Soil Component of the Groundwater Ingestion Exposure Route Values		
		Industrial-Commercial		Construction Worker				
CAS No.	Chemical Name	Ingestion (mg/kg)	Inhalation (mg/kg)	Ingestion (mg/kg)	Inhalation (mg/kg)	Class I (mg/L)	Class II (mg/L)	
7440-22-4	Silver	10,000 ^b	----- ^c	1,000 ^b	----- ^c	0.05 ^m	-----	•
14808-79-8	Sulfate	----- ^c	----- ^c	----- ^c	----- ^c	400 ^m	400 ^m	•
7440-28-0	Thallium	160 ^{b*}	----- ^c	160 ^{b*}	----- ^c	0.002 ^m	0.02 ^m	•
7440-62-2	Vanadium	14,000 ^b	----- ^c	1,400 ^b	----- ^c	0.049 ^m	-----	•
7440-66-6	Zinc ¹	610,000 ^b	----- ^c	61,000 ^b	----- ^c	5.0 ^m	10 ^m	•

^a** indicates that the ADL is less than or equal to the specified remediation objective.
NA means Not Available; no PQL or EQL available in USEPA analytical methods.

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in this Table; or (2) the total amount of contaminant in the soil sample results to compare with pH specific remediation objectives listed in Appendix B, Table C or D of this Part. (See Section 742.510.) If the person wishes to calculate remediation objectives based on background concentrations, this should be done in accordance with Subpart D of this Part.

- (n) The Agency reserves the right to evaluate the potential for remaining contaminant concentrations to pose significant threats to crops, livestock, or wildlife.
- (o) For agricultural facilities, remediation objectives for surficial soils which are based on field application rates may be more appropriate for currently registered pesticides. Consult the Agency for further information.
- (p) For agricultural facilities, soil remediation objectives based on site-specific background concentrations of Nitrate as N may be more appropriate. Such determinations shall be conducted in accordance with the procedures located in Subparts D and I of this Part.
- (q) The TCLP extraction must be done using water at a pH of 7.0.
- (r) Value based on dietary Reference Dose.
- (s) Value based on Reference Dose for Mercuric chloride (CAS No. 7487-94-7).
- (t) Note that Table value is likely to be less than background concentration for this chemical; screening or remediation concentrations using the procedures of Subpart D of this Part.
- (u) Value based on Reference Dose for Thallium sulfate (CAS No. 7446-18-6).

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Section 742. TABLE C pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class I Groundwater)

Chemical (totals) (mg/kg)	pH 4.5 to 4.74	pH 4.75 to 5.24	pH 5.25 to 5.74	pH 5.75 to 6.24	pH 6.25 to 6.64	pH 6.65 to 6.89	pH 6.9 to 7.24	pH 7.25 to 7.74	pH 7.75 to 8.0
Inorganics									
Antimony	5	5	5	5	5	5	5	5	5
Arsenic	25	26	27	28	29	29	29	30	31
Barium	260	490	850	1,200	1,500	1,600	1,700	1,800	2,100
Beryllium	1.1	2.1	3.4	6.6	22	63	140	1,000	8,000
Cadmium	1.0	1.7	2.7	3.7	5.2	7.5	11	59	430
Chromium (+6)	70	62	54	46	40	38	36	32	28
Copper	330	580	2,100	11,000	59,000	130,000	200,000	330,000	330,000
Cyanide	40	40	40	40	40	40	40	40	40
Mercury	0.01	0.01	0.03	0.15	0.89	2.1	3.3	6.4	8.0
Nickel	20	36	56	76	100	130	180	700	3,800
Selenium	24	17	12	8.8	6.3	5.2	4.5	3.3	2.4
Silver	0.24	0.33	0.62	1.5	4.4	8.5	13	39	110

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Chemical (totals) (mg/kg)	pH 4.5 to 4.74	pH 4.75 to 5.24	pH 5.25 to 5.74	pH 5.75 to 6.24	pH 6.25 to 6.64	pH 6.65 to 6.89	pH 6.9 to 7.24	pH 7.25 to 7.74	pH 7.75 to 8.0
Thallium	1.6	1.8	2.0	2.4	2.6	2.8	3.0	3.4	3.8
Vanadium	980	980	980	980	980	980	980	980	980
Zinc	1,000	1,800	2,600	3,600	5,100	6,200	7,500	16,000	53,000
Organics									
Benzoic Acid	440	420	410	400	400	400	400	400	400
2-Chlorophenol	4.0	4.0	4.0	4.0	3.9	3.9	3.9	3.6	3.1
2,4-Dichlorophenol	1.0	1.0	1.0	1.0	1.0	1.0	1.0	0.86	0.69
Dinoseb	8.4	4.5	1.9	0.82	0.43	0.34	0.31	0.27	0.25
Pentachlorophenol	0.54	0.32	0.15	0.07	0.04	0.03	0.02	0.02	0.02
2,4,5-TP (Silvex)	26	16	12	11	11	11	11	11	11
2,4,5-Trichlorophenol	400	390	390	370	320	270	230	130	64
2,4,6-Trichlorophenol	0.37	0.36	0.34	0.26	0.20	0.15	0.13	0.09	0.07

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Section 742.TABLe D pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class II Groundwater)

Chemical (totals) (mg/kg)	pH 4.5 to 4.74	pH 4.75 to 5.24	pH 5.25 to 5.74	pH 5.75 to 6.24	pH 6.25 to 6.64	pH 6.65 to 6.89	pH 6.9 to 7.24	pH 7.25 to 7.74	pH 7.75 to 8.0
Inorganics									
Antimony	20	20	20	20	20	20	20	20	20
Arsenic	100	100	100	110	110	120	120	120	120
Barium	260	490	850	1,200	1,500	1,600	1,700	1,800	2,100
Beryllium	140	260	420	820	2,800	7,900	17,000	130,000	1,000,000
Cadmium	10	17	27	37	52	75	110	590	4,300
Chromium (+6)	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data
Copper	330	580	2,100	11,000	59,000	130,000	200,000	330,000	330,000
Cyanide	120	120	120	120	120	120	120	120	120
Mercury	0.05	0.06	0.14	0.75	4.4	10	16	32	40
Nickel	400	730	1,100	1,500	2,000	2,600	3,500	14,000	76,000
Selenium	24	17	12	8.8	6.3	5.2	4.5	3.3	2.4
Thallium	16	18	20	24	26	28	30	34	38
Zinc	2,000	3,600	5,200	7,200	10,000	12,000	15,000	32,000	110,000

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Section 742.TABLE E Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route

CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)	Groundwater Remediation Objective
83-32-9	Acenaphthene	0.42	2.1	
67-64-1	Acetone	0.7	0.7	
15972-60-8	Alachlor	0.002(c)	0.01(c)	
116-06-3	Aldicarb	0.003(c)	0.015(c)	
309-00-2	Aldrin	0.00004(a)	0.0002	
120-12-7	Anthracene	2.1	10.5	
1912-24-9	Atrazine	0.003(c)	0.015(c)	
71-43-2	Benzene	0.005(c)	0.025(c)	
56-55-3	Benzo(a)anthracene	0.00013(a)	0.00065	
205-99-2	Benzo(b)fluoranthene	0.00018(a)	0.0009	
207-08-9	Benzo(k)fluoranthene	0.00017(a)	0.00085	
50-32-8	Benzo(a)pyrene	0.0002(a,c)	0.002(c)	
111-44-4	Bis(2-chloroethyl)ether	0.01(a)	0.01	
117-81-7	Bis(2-ethylhexyl)phthalate	0.006(a,c)	0.06(c)	
75-27-4	Bromodichloromethane	0.00002(a)	0.00002	
	(Dichlorobromomethane)			
75-25-2	Bromoform	0.0002(a)	0.0002	
71-36-3	Butanol	0.7	0.7	
85-68-7	Butyl benzyl phthalate	1.4	7.0	
86-74-8	Carbazole	---	---	
1563-66-2	Carbofuran	0.04(c)	0.2(c)	
75-15-0	Carbon disulfide	0.7	3.5	
56-23-5	Carbon tetrachloride	0.005(c)	0.025(c)	
57-74-9	Chlordane	0.002(c)	0.01(c)	
108-90-7	Chlorobenzene	0.1(c)	0.5(c)	
	(Monochlorobenzene)			
124-48-1	Chlorodibromomethane	0.14	0.14	
	(Dibromochloromethane)			
67-66-3	Chloroform	0.00002(a)	0.0001	
218-01-9	Chrysene	0.0015(a)	0.0075	
94-75-7	2,4-D	0.07(c)	0.35(c)	
75-99-0	Dalapon	0.2(c)	2.0(c)	
72-54-8	DDD	0.00011(a)	0.00055	
72-55-9	DDE	0.00004(a)	0.0002	
50-29-3	DDT	0.00012(a)	0.0006	
53-70-3	Dibenzo(a,h)anthracene	0.0003(a)	0.0015	
96-12-8	1,2-Dibromo-3-chloropropane	0.0002(c)	0.0002(c)	
106-93-4	1,2-Dibromoethane	0.00005(a,c)	0.0005(c)	
	(Ethylene dibromide)			
84-74-2	Di-n-butyl phthalate	0.7	3.5	

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Chemical (totals) (mg/kg)	pH 4.5 to 4.74	pH 4.75 to 5.24	pH 5.25 to 5.74	pH 5.75 to 6.24	pH 6.25 to 6.64	pH 6.65 to 6.89	pH 6.9 to 7.24	pH 7.25 to 7.74	pH 7.75 to 8.0
Organics									
Benzoic Acid	440	420	410	400	400	400	400	400	400
2-Chlorophenol	20	20	20	20	20	20	19	3.6	3.1
2,4-Dichlorophenol	1.0	1.0	1.0	1.0	1.0	1.0	1.0	0.86	0.69
Dinoseb	84	45	19	8.2	4.3	3.4	3.1	2.7	2.5
Pentachlorophenol	2.7	1.6	0.75	0.33	0.18	0.15	0.12	0.11	0.10
2,4,5-TP (Silvex)	130	79	62	57	55	55	55	55	55
2,4,5-Trichlorophenol	2,000	2,000	1,900	1,800	1,600	1,400	1,200	640	64
2,4,6-Trichlorophenol	0.37	0.36	0.34	0.26	0.20	0.15	0.13	0.09	0.07

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Groundwater Remediation Objective

CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
95-50-1	1,2-Dichlorobenzene	0.6(c)	1.5(c)
106-46-7	(o-Dichlorobenzene)	0.075(c)	0.375(c)
91-94-1	(p-Dichlorobenzene)	0.02(a)	0.1
75-34-3	3,3'-Dichlorobenzidine	0.7	3.5
107-06-2	1,1-Dichloroethane	0.005(c)	0.025(c)
75-35-4	1,2-Dichloroethane	0.007(c)	0.035(c)
156-59-2	(ethylene dichloride)	0.07(c)	0.2(c)
156-60-5	cis-1,2-Dichloroethylene	0.1(c)	0.5(c)
78-87-5	trans-1,2-Dichloroethylene	0.005(c)	0.025(c)
542-75-6	1,2-Dichloropropane	0.001(a)	0.005
	1,3-Dichloropropene		
	(1,3-Dichloropropylene, cis + trans)		
60-57-1	Dieldrin	0.00002(a)	0.0001
84-66-2	Diethyl phthalate	5.6	5.6
121-14-2	2,4-Dinitrotoluene(a)	0.00002	0.00002
606-20-2	2,6-Dinitrotoluene(a)	0.0001	0.0001
88-85-7	Dinoseb	0.007(c)	0.07(c)
117-84-0	Di-n-octyl phthalate	0.14	0.7
115-29-7	Endosulfan	0.042	0.21
145-73-3	Endothall	0.1(c)	0.1(c)
72-20-8	Endrin	0.002(c)	0.01(c)
100-41-4	Ethylbenzene	0.7(c)	1.0(c)
206-44-0	Fluoranthene	0.28	1.4
86-73-7	Fluorene	0.28	1.4
76-44-8	Heptachlor	0.0004(c)	0.002(c)
1024-57-3	Heptachlor epoxide	0.0002(c)	0.001(c)
118-74-1	Hexachlorobenzene	0.0006(a)	0.0003
319-84-6	alpha-HCH (alpha-BHC)	0.0003(a)	0.00015
58-89-9	gamma-HCH (Lindane)	0.0002(c)	0.001(c)
77-47-4	Hexachlorocyclopentadiene	0.05(c)	0.5(c)
67-72-1	Hexachloroethane	0.007	0.035
193-39-5	Indeno(1,2,3-c,d)pyrene	0.00043(a)	0.00215
78-59-1	Isophorone	1.4	1.4
72-43-5	Methoxychlor	0.04(c)	0.2(c)
74-83-9	Methyl bromide (Bromomethane)	0.0098	0.049
75-09-2	Methylene chloride (Dichloromethane)	0.05(c)	0.05(c)
91-20-3	Naphthalene(2)	0.025	0.039
98-95-3	Nitrobenzene(2)	0.0035	0.0035

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Groundwater Remediation Objective

CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
1918-02-1	Picloram	0.5(c)	5.0(c)
1336-36-3	Polychlorinated biphenyls (PCBs)(n)	0.0005(c)	0.0025(c)
129-00-0	Pyrene	0.21	1.05
122-34-9	Simazine	0.004(c)	0.04(c)
100-42-5	Styrene	0.1(c)	0.5(c)
93-72-1	2,4,5-TP (Silvex)	0.05(c)	0.25(c)
127-18-4	Tetrachloroethylene (Perchloroethylene)	0.005(c)	0.025(c)
108-88-3	Toluene	1.0(c)	2.5(c)
8001-35-2	Toxaphene	0.003(c)	0.015(c)
120-82-1	1,2,4-Trichlorobenzene	0.07(c)	0.7(c)
71-55-6	1,1,1-Trichloroethane(2)	0.2(c)	1.0(c)
79-00-5	1,1,2-Trichloroethane	0.005(c)	0.05(c)
79-01-6	Trichloroethylene	0.005(c)	0.025(c)
108-05-4	Vinyl acetate	7.0	7.0
75-01-4	Vinyl chloride	0.002(c)	0.01(c)
1330-20-7	Xylenes (total)	10.0(c)	10.0(c)
Ionizable Organics			
65-85-0	Benzoic Acid	28	28
106-47-8	4-Chloroaniline (p-Chloroaniline)	0.028	0.028
95-57-8	2-Chlorophenol	0.035	0.175
120-83-2	2,4-Dichlorophenol	0.021	0.021
105-67-9	2,4-Dimethylphenol	0.14	0.14
51-28-5	2,4-Dinitrophenol	0.014	0.014
95-48-7	2-Methylphenol (o-Cresol)	0.35	0.35
86-30-6	N-Nitrosodiphenylamine	0.01(a)	0.05
621-64-7	N-Nitrosodi-n-propylamine	0.01(a)	0.01
87-86-5	Pentachlorophenol	0.001(a,c)	0.005(c)
108-95-2	Phenol	0.1(c)	0.1(c)
95-95-4	2,4,5-Trichlorophenol	0.7	3.5
88-06-2	2,4,6-Trichlorophenol	0.0064(a)	0.032
Inorganics			
7440-36-0	Antimony	0.006(c)	0.024(c)
7440-38-2	Arsenic	0.05(c)	0.2(c)
7440-39-3	Barium	2.0(c)	2.0(c)
7440-41-7	Beryllium	0.004(c)	0.5(c)

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Groundwater Remediation Objective

CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
7440-42-8	Boron	2.0(c)	2.0(c)
7440-43-9	Cadmium	0.005(c)	0.05(c)
16887-00-6	Chloride	200(c)	200(c)
7440-47-3	Chromium, total	0.1(c)	1.0(c)
18540-29-9	Chromium, ion, hexavalent	---	---
7440-48-4	Cobalt	1.0(c)	1.0(c)
7440-50-8	Copper	0.65(c)	0.65(c)
57-12-5	Cyanide	0.2(c)	0.6(c)
7782-41-4	Fluoride	4.0(c)	4.0(c)
15438-31-0	Iron	5.0(c)	5.0(c)
7439-92-1	Lead	0.0075(c)	0.1(c)
7439-96-5	Manganese	0.15(c)	10.0(c)
7439-97-6	Mercury	0.002(c)	0.01(c)
7440-02-0	Nickel	0.1(c)	2.0(c)
14797-55-8	Nitrate as N	100(c)	100(c)
7782-49-2	Selenium	0.05(c)	0.05(c)
7440-22-4	Silver	0.05(c)	---
14808-79-8	Sulfate	400(c)	400(c)
7440-28-0	Thallium	0.002(c)	0.02(c)
7440-62-2	Vanadium(2)	0.049	---
7440-66-6	Zinc	5.0(c)	10(c)

Chemical Name and Groundwater Remediation Objective Notations

- (a) The groundwater Health Advisory concentration is equal to ADL for carcinogens.
- (b) Oral Reference Dose and/or Reference Concentration under review by USEPA. Listed values subject to change.
- (c) Value listed is also the Groundwater Quality Standard for this chemical pursuant to 35 Ill. Adm. Code 620.410 for Class I Groundwater or 35 Ill. Adm. Code 620.420 for Class II Groundwater.

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Section 742.TABLE F Values Used to Calculate the Tier 1 Soil Remediation Objectives for the Soil Component of the Groundwater Ingestion Route

CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)	GW[obj] Concentration used to Calculate Tier 1 Soil Remediation Objectives(a)
83-32-9	Acenaphthene	2.0(b)	10	
67-64-1	Acetone	4.0(b)	4.0	
15972-60-8	Alachlor	0.002(c)	0.01(c)	
116-06-3	Aldicarb	0.003(c)	0.015(c)	
309-00-2	Aldrin	5.0E-6(b)	2.5E-5	
120-12-7	Anthracene	10(b)	50	
1912-24-9	Atrazine	0.003(c)	0.015(c)	
71-43-2	Benzene	0.005(c)	0.025(c)	
56-55-3	Benzo(a)anthracene	0.0001(b)	0.0005	
205-99-2	Benzo(b)fluoranthene	0.0001(b)	0.0005	
207-08-9	Benzo(k)fluoranthene	0.001(b)	0.005	
50-32-8	Benzo(a)pyrene	0.0002(a,c)	0.002(c)	
111-44-4	Bis(2-chloroethyl)ether	8.0E-5(b)	8.0E-5	
117-81-7	Bis(2-ethylhexyl)phthalate	0.006(a,c)	0.06(c)	
75-27-4	Bromodichloromethane (Dichlorobromomethane)	0.1(b)	0.1	
75-25-2	Bromoform	0.1(b)	0.01	
71-36-3	Butanol	4.0(b)	4.0	
85-68-7	Butyl benzyl phthalate	7.0(b)	35	
86-74-8	Carbazole	0.004(b)	0.02	
1563-66-2	Carbofuran	0.04(c)	0.2(c)	
75-15-0	Carbon disulfide	4.0(b)	20	
56-23-5	Carbon tetrachloride	0.005(c)	0.025(c)	
57-74-9	Chlordane	0.002(c)	0.01(c)	
108-90-7	Chlorobenzene (Monochlorobenzene)	0.1(c)	0.5(c)	
124-48-1	Chlorodibromomethane (Dibromochloromethane)	0.06(b)	0.06	
67-66-3	Chloroform	0.1(b)	0.5	
218-01-9	Chrysene	0.1(b)	0.05	
94-75-7	2,4-D	0.07(c)	0.35(c)	
75-99-0	Dalapon	0.2(c)	2.0(c)	
72-54-8	DDD	0.0004(b)	0.002	
72-55-9	DDT	0.0003(b)	0.0015	
50-29-3	DDT	0.0003(b)	0.0015	
53-70-3	Dibenzo(a,h)anthracene	1.0E-5(b)	5.0E-5	
96-12-8	1,2-Dibromo-3-chloropropane	0.0002(c)	0.0002(c)	

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CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
106-93-4	1,2-Dibromoethane	0.00005(a,c)	0.0005(c)
84-74-2	(Ethylene dibromide)	4.0(b)	20
95-50-1	Di-n-butyl phthalate	0.6(c)	1.5(c)
106-46-7	1,2-Dichlorobenzene	0.075(c)	0.375(c)
91-94-1	(o - Dichlorobenzene)	0.0002(b)	0.001
75-34-3	1,4-Dichlorobenzene	4.0(b)	20
107-06-2	3,3'-Dichlorobenzidine	0.005(c)	0.025(c)
75-35-4	1,1-Dichloroethane	0.007(c)	0.035(c)
156-59-2	(Ethylene dichloride)	0.07(c)	0.2(c)
156-60-5	cis-1,2-Dichloroethylene	0.1(c)	0.5(c)
78-97-5	trans-1,2-Dichloroethylene	0.005(c)	0.025(c)
542-75-6	1,2-Dichloropropane	0.0005(b)	0.0025
	1,3-Dichloropropene	5.0E-6(b)	30(b)
	(1,3-Dichloropropylene, cis + trans)	0.001(b)	0.0001
60-57-1	Dieldrin	0.007(c)	0.07(c)
84-66-2	Diethyl phthalate	0.07(c)	0.1(c)
121-14-2	2,4-Dinitrotoluene	0.1(c)	0.005(c)
606-20-2	2,6-Dinitrotoluene	0.005(c)	0.025(c)
88-85-7	Dinoseb	0.005(c)	0.025(c)
117-84-0	Di-n-octyl phthalate	0.0005(b)	0.0025
115-29-7	Endosulfan	0.0005(b)	0.0025
145-73-3	Endothall	0.0005(b)	0.0025
72-20-8	Endrin	0.0005(b)	0.0025
100-41-4	Ethylbenzene	0.0005(b)	0.0025
206-44-0	Fluoranthene	0.0005(b)	0.0025
86-73-7	Fluorene	0.0005(b)	0.0025
76-44-8	Heptachlor	0.0004(c)	0.002(c)
1024-57-3	Heptachlor epoxide	0.0002(c)	0.001(c)
118-74-1	Hexachlorobenzene	0.001(b)	0.005
319-84-6	alpha-HCH (alpha-BHC)	1.0E-5(b)	5.0E-5
58-89-9	gamma-HCH (lindane)	0.0002(c)	0.001(c)
77-47-4	Hexachlorocyclopentadiene	0.05(c)	0.5(c)
67-72-1	Hexachloroethane	0.007	0.035
193-39-5	Indeno(1,2,3-c,d)pyrene	0.0001(b)	0.0005
78-59-1	Isophorone	1.4	1.4
72-43-5	Methoxychlor	0.04(c)	0.2(c)
74-83-9	Methyl bromide	0.05(b)	0.25
75-09-2	(Bromomethane)	0.005(c)	0.05(c)
	Methylene chloride	1.0(b)	5.0
91-20-3	(Dichloromethane)		
	Naphthalene		

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CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
98-95-3	Nitrobenzene	0.02(b)	0.02
1918-02-1	Picloram	0.5(c)	5.0(c)
1336-36-3	Polychlorinated biphenyls (PCBs)	---	---
129-00-0	Pyrene	1.0(b)	5.0
122-34-9	Simazine	0.004(c)	0.04(c)
100-42-5	Styrene	0.1(c)	0.5(c)
93-72-1	2,4,5-TP (Silvex)	0.05(c)	0.25(c)
127-18-4	Tetrachloroethylene (Perchloroethylene)	0.005(c)	0.025(c)
108-88-3	Toluene	1.0(c)	2.5(c)
8001-35-2	Toxaphene	0.003(c)	0.015(c)
120-82-1	1,2,4-Trichlorobenzene	0.07(c)	0.7(c)
71-55-6	1,1,1-Trichloroethane(2)	0.2(c)	1.0(c)
79-00-5	1,1,2-Trichloroethane	0.005(c)	0.05(c)
79-01-6	Trichloroethylene	0.005(c)	0.025(c)
108-05-4	Vinyl Acetate	40(b)	40
75-01-4	Vinyl Chloride	0.002(c)	0.01(c)
1330-20-7	Xylenes (total)	10.0(c)	10.0(c)
Ionizable Organics			
65-85-0	Benzoic Acid	100(b)	100
106-47-8	4-Chloroaniline (p-Chloroaniline)	0.1(b)	0.1
95-57-8	2-Chlorophenol	0.2(b)	1.0
120-83-2	2,4-Dichlorophenol	0.1(b)	0.1
105-67-9	2,4-Dimethylphenol	0.7(b)	0.7
51-28-5	2,4-Dinitrophenol	0.04(b)	0.04
95-48-7	2-Methylphenol (o - Cresol)	2.0(b)	2.0
86-30-6	N-Nitrosodiphenylamine	0.02(b)	0.1
621-64-7	N-Nitrosodi-n-propylamine	1.0E-5(b)	1.0E-5
87-86-5	Pentachlorophenol	0.001(a,c)	0.005(c)
108-95-2	Phenol	0.1(c)	0.1(c)
95-95-4	2,4,5-Trichlorophenol	4.0(b)	20
88-06-2	2,4,6-Trichlorophenol	0.008(b)	0.04
Inorganics			
7440-36-0	Antimony	0.006(c)	0.024(c)
7440-38-2	Arsenic	0.05(c)	0.2(c)
7440-39-3	Barium	2.0(c)	2.0(c)
7440-41-7	Beryllium	0.004(c)	0.5(c)
7440-42-8	Boron	2.0(c)	2.0(c)

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CAS No.	Chemical Name	Class I (mg/L)	Class II (mg/L)
7440-43-9	Cadmium	0.005(c)	0.05(c)
16887-00-6	Chloride	200(c)	200(c)
7440-47-3	Chromium, total	0.1(c)	1.0(c)
18540-29-9	Chromium, ion, hexavalent	---	---
7440-48-4	Cobalt	1.0(c)	1.0(c)
7440-50-8	Copper	0.65(c)	0.65(c)
57-12-5	Cyanide	0.2(c)	0.6(c)
7782-41-4	Fluoride	4.0(c)	4.0(c)
15438-31-0	Iron	5.0(c)	5.0(c)
7439-92-1	Lead	0.0075(c)	0.1(c)
7439-96-5	Manganese	0.15(c)	10.0(c)
7439-97-6	Mercury	0.002(c)	0.01(c)
7440-02-0	Nickel	0.1(c)	2.0(c)
14797-55-8	Nitrate as N	10.0(c)	100(c)
7782-49-2	Selenium	0.05(c)	0.05(c)
7440-22-4	Silver	0.05(c)	---
14808-79-8	Sulfate	400(c)	400(c)
7440-28-0	Thallium	0.002(c)	0.02(c)
7440-62-2	Vanadium	0.049	---
7440-66-6	Zinc	5.0(c)	10(c)

Chemical Name and Groundwater Remediation Objective Notations

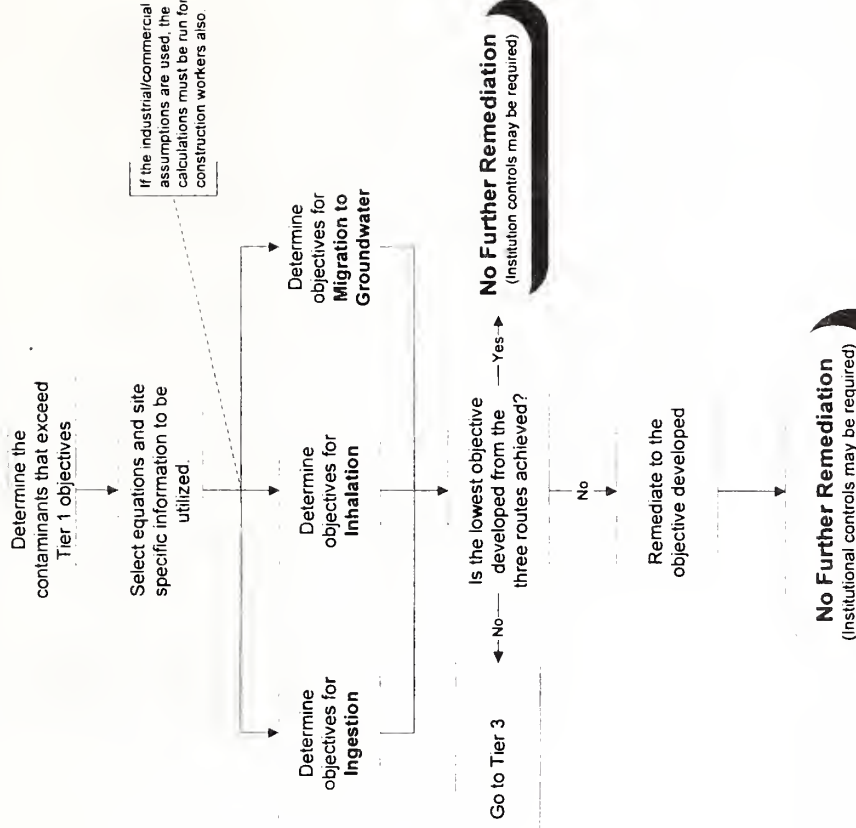
- (a) The Equation S17 is used to calculate the Soil Remediation Objective for the Soil Component of the Groundwater Ingestion Route; this equation requires calculation of the Target Soil Leachate Concentration (C[w]) from Equation S18: $C[w] = DF \times GW[obj]$.
- (b) Value listed is the Water Health Based Limit (HBL) for this chemical from Soil Screening Guidance: User's Guide, incorporated by reference at Section 742.210; for carcinogens, the HBL is equal to a cancer risk of $1.0E-6$, and for noncarcinogens is equal to a Hazard Quotient of 1.0. NOTE: These GW[obj] concentrations are not equal to the Tier 1 Groundwater Remediation Objectives for the Direct Ingestion of Groundwater Component of the Groundwater Ingestion Route, listed in Section 742. Appendix B, Table E.
- (c) Value listed is also the Groundwater Quality Standard for this chemical pursuant to 35 Ill. Adm. Code 620.410 for Class I Groundwater or 35 Ill. Adm. Code 620.420 for Class II Groundwater.

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Section 742.APPENDIX C Tier 2 Tables and Illustrations

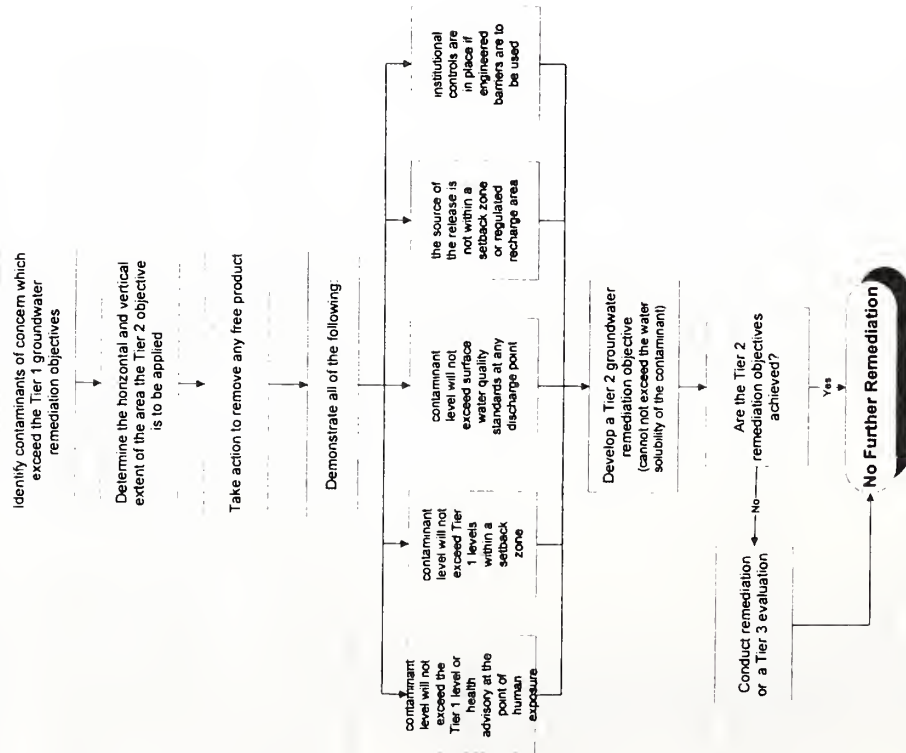
Section 742.ILLUSTRATION A Tier 2 Evaluation for Soil



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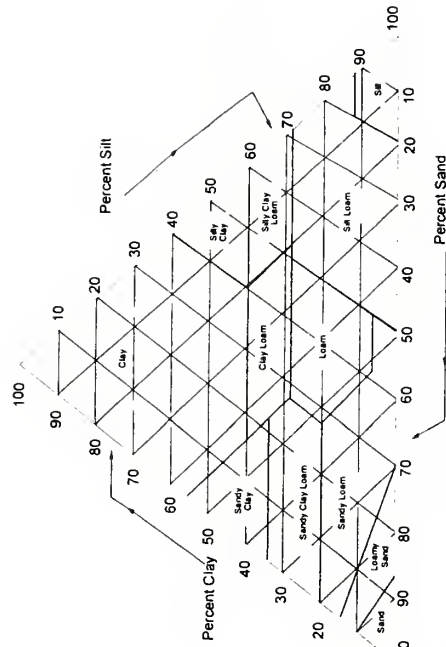
Section 742. ILLUSTRATION B Tier 2 Evaluation for Groundwater



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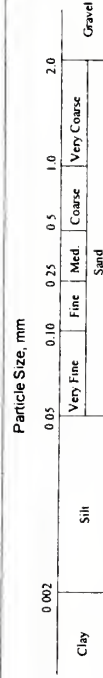
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Section 742. ILLUSTRATION C U.S. Department of Agriculture Soil Texture Classification



Criteria Used with the Field Method for Determining Soil Texture Classes

Criterion	Sand	Sandy loam	Loam	Silt loam	Clay loam	Clay
1. Individual grains visible to eye	Yes	Yes	Some	Few	No	No
2. Stability of dry clods	Do not form	Do not form	Easily broken	Moderately easily broken	Hard and stable	Very hard and stable
3. Stability of wet clods	Unstable	Slightly stable	Moderately stable	Stable	Very stable	Very stable
4. Stability of "ribbon" when wet soil rubbed between thumb and fingers	Does not form	Does not form	Does not form	Broken appearance	Thin, will break	Very long, flexible



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Section 742. TABLE A SSL Equations

Remediation Objectives for Noncarcinogenic Contaminants - Construction Worker (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left(\frac{1}{RfC} \cdot \frac{1}{VF'} \right)}$	S5
Remediation Objectives for Carcinogenic Contaminants - Residential, Industrial/ Commercial (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1,000 \frac{ug}{mg} \cdot EF \cdot ED \cdot \frac{1}{VF}}$	S6
Remediation Objectives for Carcinogenic Contaminants - Construction Worker (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1,000 \frac{ug}{mg} \cdot EF \cdot ED \cdot \frac{1}{VF'}}$	S7
Equation for Derivation of the Volatilization Factor - Residential, Industrial/ Commercial, VF (m ³ /kg)	$VF = \frac{Q}{C} \cdot \frac{(3.14 \cdot D_A \cdot T)^{1/2}}{(2 \cdot \rho_b \cdot D_A)} \cdot 10^{-4} \frac{m^2}{cm^2}$	S8
Equation for Derivation of the Volatilization Factor - Construction Worker, VF' (m ³ /kg)	$VF' = \frac{VF}{10}$	S9
Equation for Derivation of Apparent Diffusivity, D _A (cm ² /s)	$D_A = \frac{(\theta_a^{3.33} \cdot D_i \cdot H') + (\theta_w^{3.33} \cdot D_w)}{\eta^2} \cdot \frac{1}{(\rho_b \cdot K_d) + \theta_w + (\theta_a \cdot H')}$	S10

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Equations for Soil Ingestion Exposure Route	Remediation Objectives for Noncarcinogenic Contaminants (mg/kg)	$\frac{THQ \cdot BW \cdot AT \cdot 365 \frac{d}{yr}}{\frac{1}{RfD_o} \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot ED \cdot IR_{soil}}$	S1
	Remediation Objectives for Carcinogenic Contaminants - Residential (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_o \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot IF_{soil-adj}}$	S2
	Remediation Objectives for Carcinogenic Contaminants - Industrial/ Commercial, Construction Worker (mg/kg)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_o \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot ED \cdot IR_{soil}}$	S3
Equations for Inhalation Exposure Route (Volatiles)	Remediation Objectives for Noncarcinogenic Contaminants - Residential, Industrial/Commercial (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left(\frac{1}{RfC} \cdot \frac{1}{VF} \right)}$	S4

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Equations for the Soil Component of the Groundwater Ingestion Exposure Route	Equation for Derivation of Particulate Emission Factor, PEF' - Construction Worker (m ³ /kg)	$PEF' = \frac{PEF}{10}$	S16
	Remediation Objective (mg/kg)	$C_w \cdot \left[K_d + \frac{(\theta_w + \theta_a \cdot H')}{\rho_b} \right]$ NOTE: This equation can only be used to model contaminant migration not in the water bearing unit.	S17
	Target Soil Leachate Concentration, C _w (mg/L)	$C_w = DF \cdot GW_{aby}$	S18
	Soil-Water Partition Coefficient, K _d (cm ³ /g)	$K_d = K_{oc} \cdot f_{oc}$	S19
	Water-Filled Soil Porosity, θ _w (L _{water} /L _{soil})	$\theta_w = \eta \cdot \left(\frac{I}{K_r} \right)^{1/(2h+1)}$	S20
	Air-Filled Soil Porosity, θ _a (L _{air} /L _{soil})	$\theta_a = \eta - \theta_w$	S21
	Dilution Factor, DF (unitless)	$DF = 1 + \frac{K \cdot i \cdot d}{I \cdot L}$	S22

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Equations for Inhalation Exposure Route (Fugitive Dusts)	Remediation Objectives for Noncarcinogenic Contaminants - Residential, Industrial/Commercial (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left(\frac{1}{RfC} \cdot \frac{1}{PEF} \right)}$	S11
	Remediation Objectives for Noncarcinogenic Contaminants - Construction Worker (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left(\frac{1}{RfC} \cdot \frac{1}{PEF'} \right)}$	S12
	Remediation Objectives for Carcinogenic Contaminants - Residential, Industrial/Commercial (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1,000 \frac{ug}{mg} \cdot EF \cdot ED \cdot \frac{1}{PEF}}$	S13
	Remediation Objectives for Carcinogenic Contaminants - Construction Worker (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1,000 \frac{ug}{mg} \cdot EF \cdot ED \cdot \frac{1}{PEF'}}$	S14
	Equation for Derivation of Particulate Emission Factor, PEF (m ³ /kg)	$PEF = \frac{Q}{C} \cdot \frac{3,600 \frac{s}{hr}}{0.036 \cdot (1 - V) \cdot \left(\frac{U_m}{U_t} \right)^3 \cdot F(x)}$	S15

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Mass-Limit Remediation Objective for Soil Component of the Groundwater Ingestion Exposure Route (mg/kg)	$\frac{(C_w \cdot I_{M-L} \cdot ED_{M-L})}{\rho_b \cdot d_s}$ <p>NOTE: This equation may be used when area and depth of contaminant source are known or can be estimated reliably.</p>	S28
Equation for Derivation of the Soil Saturation Limit, C_{sw}	$C_{sw} = \frac{S}{\rho_b} \cdot [(K_d \cdot \rho_b) + \theta_w + (H' \cdot \theta_w)]$	S29

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Groundwater Remediation Objective for Carcinogenic Contaminants, GW_{obj} (mg/L)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_a \cdot IR_w \cdot EF \cdot ED}$	S23
Total Soil Porosity, η (L_{pore}/L_{soil})	$\eta = 1 - \frac{\rho_s}{\rho_s}$	S24
Equation for Estimation of Mixing Zone Depth, d (m)	$d = (0.0112 \cdot L^2)^{0.5} + d_o \left[1 - \exp \left(\frac{-L \cdot I}{K \cdot i \cdot d_o} \right) \right]$	S25
Mass-Limit Equations for Inhalation Exposure Route and Soil Component of the Groundwater Ingestion Exposure Route	<p>Mass-Limit Volatilization Factor for the Inhalation Exposure Route - Residential, Industrial/Commercial, VF (m^3/kg)</p> $VF_{M-L} = \frac{Q}{C} \cdot \frac{\left[T_{M-L} \cdot \left(3.15 \cdot 10^7 \frac{s}{yr} \right) \right]}{\rho_b \cdot d_s \cdot 10^6 \frac{g}{mg}}$ <p>NOTE: This equation may be used when area and depth of contaminant source are known or can be estimated reliably.</p>	S26
Mass-Limit Volatilization Factor for Inhalation Exposure Route - Construction Worker, VF' (m^3/kg)	$VF'_{M-L} = \frac{VF_{M-L}}{10}$	S27

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Symbol	Parameter	Units	Source	Parameter Value(s)
d_s	Depth of Source	m	Field Measurement or Estimation	Site-Specific
D_A	Apparent Diffusivity	cm^2/s	Equation S10 in Appendix C, Table A	Calculated Value
D_i	Diffusivity in Air	cm^2/s	Appendix C, Table E	Chemical-Specific
D_w	Diffusivity in Water	cm^2/s	Appendix C, Table E	Chemical-Specific
DF	Dilution Factor	unitless	Equation S22 in Appendix C, Table A	20 or Calculated Value
ED	Exposure Duration for Ingestion of Carcinogens	yr		Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for Inhalation of Carcinogens	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for Ingestion of Noncarcinogens	yr		Residential = 6 Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for Inhalation of Noncarcinogens	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for the Direct Ingestion of Groundwater	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 1

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Section 742. TABLE B SSL Parameters

Symbol	Parameter	Units	Source	Parameter Value(s)
AT	Averaging Time for Noncarcinogens in Ingestion Equation	yr		Residential = 6 Industrial/Commercial = 25 Construction Worker = 0.115
AT	Averaging Time for Noncarcinogens in Inhalation Equation	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 0.115
AT_c	Averaging Time for Carcinogens	yr	SSL	70
BW	Body Weight	kg		Residential = 15, noncarcinogens 70, carcinogens Industrial/Commercial = 70 Construction Worker = 70
C_{in}	Soil Saturation Concentration	mg/kg	Appendix A, Table A or Equation S29 in Appendix C, Table A	Chemical-Specific or Calculated Value
C_w	Target Soil Leachate Concentration	mg/L	Equation S18 in Appendix C, Table A	Groundwater Standard, Health Advisory concentration, or Calculated Value
d	Mixing Zone Depth	m	SSL or Equation S25 in Appendix C, Table A	2 m or Calculated Value
d_a	Aquifer Thickness	m	Field Measurement	Site-Specific

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Symbol	Parameter	Units	Source	Parameter Value(s)
$IF_{soil\ adj}$ (residential)	Age Adjusted Soil Ingestion Factor for Carcinogens	(mg-yr)/(kg-d)	SSL	114
IR_{soil}	Soil Ingestion Rate	mg/d		Residential = 200 Industrial/Commercial = 50 Construction Worker = 480
IR_w	Daily Water Ingestion Rate	L/d		Residential = 2 Industrial/Commercial = 1
K	Aquifer Hydraulic Conductivity	m/yr	Field Measurement (See Appendix C, Table F)	Site-Specific
K_d	Soil-Water Partition Coefficient	cm ³ /g or L/kg	Equation S19 in Appendix C, Table A	Calculated Value
K_{oc}	Organic Carbon Partition Coefficient	cm ³ /g or L/kg	Appendix C, Table E or Appendix C, Table I	Chemical-Specific
K_s	Saturated Hydraulic Conductivity	m/yr	Appendix C, Table K Appendix C, Illustration C	Site-Specific
L	Source Length Parallel to Groundwater Flow	m	Field Measurement	Site-Specific
PEF	Particulate Emission Factor	m ³ /kg	SSL or Equation S15 in Appendix C, Table A	Residential = $1.32 \cdot 10^8$ or Site-Specific Industrial/Commercial = $1.24 \cdot 10^9$ or Site-Specific
PEF'	Particulate Emission Factor adjusted for Agitation (construction worker)	m ³ /kg	Equation S16 in Appendix C, Table A using PEF (industrial/commercial)	$1.24 \cdot 10^8$ or Site-Specific

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Symbol	Parameter	Units	Source	Parameter Value(s)
ED_{M-L}	Exposure Duration for Migration to Groundwater Mass-Limit Equation S28	yr	SSL	70
EF	Exposure Frequency	d/yr		Residential = 350 Industrial/Commercial = 250 Construction Worker = 30
F(x)	Function dependent on U_m/U_i	unitless	SSL	0.194
f_{oc}	Organic Carbon Content of Soil	g/g	SSL or Field Measurement (See Appendix C, Table F)	Surface Soil = 0.006 Subsurface soil = 0.002, or Site-Specific
GW_{obj}	Groundwater Remediation Remediation Objective	mg/L	Appendix B, Table E, 35 IAC 620.Subpart F, or Equation S23 in Appendix C, Table A	Chemical-Specific or Calculated
H'	Henry's Law Constant	unitless	Appendix C, Table E	Chemical-Specific
i	Hydraulic Gradient	m/m	Field Measurement (See Appendix C, Table F)	Site-Specific
I	Infiltration Rate	m/yr	SSL	0.3
I_{M-L}	Infiltration Rate for Migration to Groundwater Mass-Limit Equation S28	m/yr	SSL	0.18

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Symbol	Parameter	Units	Source	Parameter Value(s)
TR	Target Cancer Risk	unitless		Residential = 10^{-6} at the point of human exposure Industrial/Commercial = 10^{-6} at the point of human exposure Construction Worker = 10^{-6} at the point of human exposure
U_m	Mean Annual Windspeed	m/s	SSL	4.69
URF	Inhalation Unit Risk Factor	$(\mu\text{g}/\text{m}^3)^{-1}$	IEPA (IRIS/HEAST*)	Toxicological-Specific
U_i	Equivalent Threshold Value of Windspeed at 7 m	m/s	SSL	11.32
V	Fraction of Vegetative Cover	unitless	SSL or Field Measurement	0.5 or Site-Specific
VF	Volatilization Factor	m^3/kg	Equation S8 in Appendix C, Table A	Calculated Value
VF'	Volatilization Factor adjusted for Agitation	m^3/kg	Equation S9 in Appendix C, Table A	Calculated Value
$\text{VF}_{\text{M-L}}$	Mass-Limit Volatilization Factor	m^3/kg	Equation S26 in Appendix C, Table A	Calculated Value
$\text{VF}'_{\text{M-L}}$	Mass-Limit Volatilization Factor adjusted for Agitation	m^3/kg	Equation S27 in Appendix C, Table A	Calculated Value

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Symbol	Parameter	Units	Source	Parameter Value(s)
Q/C (used in VF equations)	Inverse of the mean concentration at the center of a square source	$(\text{g}/\text{m}^2\text{-s})/(\text{kg}/\text{m}^3)$	Appendix C, Table H	Residential = 68.81 Industrial/Commercial = 85.81 Construction Worker = 85.81
Q/C (used in PEF equations)	Inverse of the mean concentration at the center of a square source	$(\text{g}/\text{m}^2\text{-s})/(\text{kg}/\text{m}^3)$	SSL or Appendix C, Table H	Residential = 90.80 Industrial/Commercial = 85.81 Construction Worker = 85.81
RfC	Inhalation Reference Concentration	mg/m^3	IEPA (IRIS/HEAST*)	Toxicological-Specific (Note: for Construction Workers use subchronic reference concentrations)
RfD _o	Oral Reference Dose	$\text{mg}/(\text{kg}\text{-d})$	IEPA (IRIS/HEAST*)	Toxicological-Specific (Note: for Construction Worker use subchronic reference doses)
S	Solubility in Water	mg/L	Appendix C, Table E	Chemical-Specific
SF _o	Oral Slope Factor	$(\text{mg}/\text{kg}\text{-d})^{-1}$	IEPA (IRIS/HEAST*)	Toxicological-Specific
T	Exposure Interval	s		Residential = $9.5 \cdot 10^4$ Industrial/Commercial = $7.9 \cdot 10^5$ Construction Worker = $3.6 \cdot 10^6$
$T_{\text{M-L}}$	Exposure Interval for Mass-Limit Volatilization Factor Equation S26	yr	SSL	30
THQ	Target Hazard Quotient	unitless	SSL	1

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Symbol	Parameter	Units	Source	Parameter Value(s)
ρ_b	Dry Soil Bulk Density	kg/L or g/cm ³	SSL or Field Measurement (See Appendix C, Table F)	1.5, or Gravel = 2.0 Sand = 1.8 Silt = 1.6 Clay = 1.7, or Site-Specific
ρ_s	Soil Particle Density	g/cm ³	SSL or Field Measurement (See Appendix C, Table F)	2.65, or Site-Specific
ρ_w	Water Density	g/cm ³	SSL	1
$1/(2b+3)$	Exponential in Equation S20	unitless	Appendix C, Table K Appendix C, Illustration C	Site-Specific

a HEAST = Health Effects Assessment Summary Tables. USEPA, Office of Solid Waste and Emergency Response. EPA/SQO/R-95/036. Updated Quarterly.

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Symbol	Parameter	Units	Source	Parameter Value(s)
η	Total Soil Porosity	$L_{\text{pore}}/L_{\text{soil}}$	SSL or Equation S24 in Appendix C, Table A	0.43, or Gravel = 0.25 Sand = 0.32 Silt = 0.40 Clay = 0.36, or Calculated Value
θ_a	Air-Filled Soil Porosity	$L_{\text{air}}/L_{\text{soil}}$	SSL or Equation S21 in Appendix C, Table A	Surface Soil (top 1 meter) = 0.28 Subsurface Soil (below 1 meter) = 0.13, or Gravel = 0.05 Sand = 0.14 Silt = 0.24 Clay = 0.19, or Calculated Value
θ_w	Water-Filled Soil Porosity	$L_{\text{water}}/L_{\text{soil}}$	SSL or Equation S20 in Appendix C, Table A	Surface Soil (top 1 meter) = 0.15 Subsurface Soil (below 1 meter) = 0.30, or Gravel = 0.20 Sand = 0.18 Silt = 0.16 Clay = 0.17, or Calculated Value

Equations for the ambient vapor inhalation (outdoor) route from subsurface soils	Volatilization Factor for Surficial Soils Regarding Particulates, VF_p (kg/m ³)	$VF_p = \frac{P_c \cdot W \cdot 10^3 \frac{cm^3 \cdot kg}{m^3 \cdot g}}{U_{air} \cdot \delta_{air}}$	R5
	Effective Diffusion Coefficient in Soil Based on Vapor-Phase Concentration D_s^{eff} (cm ² /s)	$D_s^{eff} = \frac{D_{air} \cdot \theta_{as}^{3.33}}{\theta_i^2} + \frac{D_{water} \cdot \theta_{ws}^{3.33}}{H' \cdot \theta_i^2}$	R6
	Remediation Objectives for Carcinogenic Contaminants (mg/kg)	$\frac{RBSL_{air} \cdot 10^{-3}}{VF_{soil}}$	R7
	Remediation Objectives for Non-carcinogenic Contaminants (mg/kg)	$\frac{RBSL_{air} \cdot 10^{-3}}{VF_{soil}}$	R8

Equations for the combined exposures routes of soil ingestion inhalation of vapors and particulates, and dermal contact with soil	Remediation Objectives for Carcinogenic Contaminants (mg/kg)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left[\left\{ SF_o \cdot 10^{-6} \frac{kg}{mg} \cdot \left((IR_{soil} \cdot RAF_o) + (SA \cdot M \cdot RAF_d) \right) \right\} + \left[SF_i \cdot IR_{air} \cdot (VF_{ss} + VF_p) \right] \right]}$	R1
	Remediation Objectives for Non-carcinogenic Contaminants (mg/kg)	$\frac{THQ \cdot BW \cdot AT_n \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left[\frac{10^{-6} \frac{kg}{mg} \cdot \left((IR_{soil} \cdot RAF_o) + (SA \cdot M \cdot RAF_d) \right)}{R/D_o} + \frac{IR_{air} \cdot (VF_{ss} + VF_p)}{R/D_i} \right]}$	R2
	Volatilization Factor for Surficial Soils, VF_{ss} (kg/m ³) Whichever is less between R3 and R4	$VF_{ss} = \frac{2 \cdot W \cdot \rho_s \cdot 10^3 \frac{cm^3 \cdot kg}{m^3 \cdot g}}{U_{air} \cdot \delta_{air}} \cdot \sqrt{\frac{D_s^{eff} \cdot H'}{\pi \cdot [\theta_{ws} + (k_s \cdot \rho_s) + (H' \cdot \theta_{as})] \cdot \tau}}$	R3
		$VF_{ss} = \frac{W \cdot \rho_s \cdot d \cdot 10^3 \frac{cm^3 \cdot kg}{m^3 \cdot g}}{U_{air} \cdot \delta_{air} \cdot \tau}$	R4

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Equations for the Soil Component of the Groundwater	Remediation Objective (mg/kg)	$\frac{GW_{source}}{LF_{sw}}$	R12
Ingestion Exposure Route	Groundwater at the source, GW_{source} (mg/L)	$GW_{source} = \frac{GW_{comp}}{C_{(r)}/C_{source}}$	R13
	Leaching Factor, LF_{sw} (mg/L _{water})/(mg/kg _{soil})	$LF_{sw} = \frac{\rho_s \cdot \frac{cm^3 \cdot kg}{L \cdot g}}{[\theta_{w1} + (k_s \cdot \rho_s) + (H' \cdot \theta_{w1})] \cdot \left[1 + \frac{(U_{gw} \cdot \delta_{gw})}{(I \cdot W)} \right]}$	R14
	Steady-State Attenuation Along the Centerline of a Dissolved Plume, $C_{(x)}/C_{source}$	$C_{(x)}/C_{source} = \exp \left[\left(\frac{X}{2\alpha_s} \right) \cdot \left(1 - \sqrt{1 + \frac{4\lambda \cdot \alpha_s}{U}} \right) \right] \cdot \operatorname{erf} \left[\frac{S_n}{4 \cdot \sqrt{\alpha_s} \cdot X} \right] \cdot \operatorname{erf} \left[\frac{S_d}{2 \cdot \sqrt{\alpha_s} \cdot X} \right]$ NOTE: 1. This equation does not predict the contaminant flow within bedrock. 2. If the value of the First Order Degradation Constant (λ) is not readily available, then set $\lambda = 0$.	R15
	Longitudinal Dispersivity, α_s (cm)	$\alpha_s = 0.10 \cdot X$	R16

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Carcinogenic Risk-Based Screening Level for Air, $RBSL_{air}$ (ug/m ³)	$RBSL_{air} = \frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr} \cdot 10^3 \frac{ug}{mg}}{SF_1 \cdot IR_{air} \cdot EF \cdot ED}$	R9
Noncarcinogenic Risk-Based Screening Level for Air, $RBSL_{air}$ (ug/m ³)	$RBSL_{air} = \frac{THQ \cdot RfD_i \cdot BW \cdot AT_n \cdot 365 \frac{d}{yr} \cdot 10^3 \frac{ug}{mg}}{IR_{air} \cdot EF \cdot ED}$	R10
Volatilization Factor - Subsurface Soil to Ambient Air, VF_{samb} (mg/m ³)/(mg/kg _{soil})	$VF_{samb} = \frac{H' \cdot \rho_s \cdot 10^3 \frac{cm^3 \cdot kg}{m^3 \cdot g}}{[\theta_{w1} + (k_s \cdot \rho_s) + (H' \cdot \theta_{w1})] \cdot \left[1 + \frac{(U_{air} \cdot \delta_{air} \cdot L_s)}{(D_{eff} \cdot W)} \right]}$	R11

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	Groundwater Darcy Velocity, U_{gw} (cm/yr)	$U_{gw} = K \cdot i$	R24
Equations for the Groundwater Ingestion Exposure Route	Remediation Objective for Carcinogenic Contaminants (mg/L)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_a \cdot IR_w \cdot EF \cdot ED}$	R25
	Dissolved Hydrocarbon Concentration along Centerline, $C_{(x)}$ (g/cm ³ _{water})	$C_{(x)} = C_{source} \cdot \exp \left[\left(\frac{X}{2\alpha_x} \right) \cdot \left(1 - \sqrt{1 + \frac{4\lambda \cdot \alpha_x}{U}} \right) \right] \cdot \operatorname{erf} \left[\frac{S_w}{4 \cdot \sqrt{\alpha_y \cdot X}} \right] \cdot \operatorname{erf} \left[\frac{S_d}{2 \cdot \sqrt{\alpha_z \cdot X}} \right]$ <p>NOTE:</p> <ol style="list-style-type: none"> 1. This equation does not predict the contaminant flow within bedrock. 2. If the value of the First Order Degradation Constant (λ) is not readily available, then set $\lambda = 0$. 	R26

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Transverse Dispersivity, α_y (cm)	$\alpha_y = \frac{\alpha_r}{3}$	R17
Vertical Dispersivity, α_z (cm)	$\alpha_z = \frac{\alpha_r}{20}$	R18
Specific Discharge, U (cm/d)	$U = \frac{K \cdot i}{\theta_r}$	R19
Soil-Water Sorption Coefficient, k_s	$k_s = K_{oc} \cdot f_{oc}$	R20
Volumetric Air Content in Vadose Zone Soils, θ_{a1} (cm ³ _{air} /cm ³ _{soil})	$\theta_{a1} = \theta_r - \frac{(w \cdot \rho_s)}{\rho_w}$	R21
Volumetric Water Content in Vadose Zone Soils, θ_{w1} (cm ³ _{water} /cm ³ _{soil})	$\theta_{w1} = \frac{w \cdot \rho_s}{\rho_w}$	R22
Total Soil Porosity, θ_T (cm ³ /cm ³ _{soil})	$\theta_T = \theta_{a1} + \theta_{w1}$	R23

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Symbol	Parameter	Units	Source	Parameter Value(s)
$C_{(x)}/C_{source}$	Steady-State Attenuation Along the Centerline of a Dissolved Plume	unitless	Equation R15 in Appendix C, Table C	Calculated Value
d	Lower Depth of Surficial Soil Zone	cm	Field Measurement	100 or Site-Specific (not to exceed 100)
D^{air}	Diffusion Coefficient in Air	cm^2/s	Appendix C, Table E	Chemical-Specific
D^{water}	Diffusion Coefficient in Water	cm^2/s	Appendix C, Table E	Chemical-Specific
D_1^{eff}	Effective Diffusion Coefficient in Soil Based on Vapor-Phase Concentration	cm^2/s	Equation R6 in Appendix C, Table C	Calculated Value
ED	Exposure Duration	yr	RBCA	Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
EF	Exposure Frequency	d/yr	RBCA	Residential = 350 Industrial/Commercial = 250 Construction Worker = 30
erf	Error Function	unitless	Appendix C, Table G	Mathematical Function

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Section 742. TABLE D RBCA Parameters

Symbol	Parameter	Units	Source	Parameter Value(s)
AT_c	Averaging Time for Carcinogens	yr	RBCA	70
AT_n	Averaging Time for Noncarcinogens	yr	RBCA	Residential = 30 Industrial/Commercial = 25 Construction Worker = 0.115
BW	Adult Body Weight	kg	RBCA	70
C_{source}	The greatest potential concentration of the contaminant of concern in the groundwater at the source of the contamination, based on the concentrations of contaminants in groundwater due to the release and the projected concentration of the contaminant migrating from the soil to the groundwater.	mg/L	Field Measurement	Site-Specific
$C_{(x)}$	Concentration of Contaminant in Groundwater at Distance X from the source	mg/L	Equation R26 in Appendix C, Table C	Calculated Value

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Symbol	Parameter	Units	Source	Parameter Value(s)
K	Aquifer Hydraulic Conductivity	cm/d for Equations R15, R19 and R26 cm/yr for Equation R24	Field Measurement (See Appendix C, Table F)	Site-Specific
K_{oc}	Organic Carbon Partition Coefficient	cm ³ /g or L/kg	Appendix C, Table E or Appendix C, Table I	Chemical-Specific
k_s (non-ionizing organics)	Soil Water Sorption Coefficient	cm ³ _{water} /g _{soil}	Equation R20 in Appendix C, Table C	Calculated Value
k_s (ionizing organics)	Soil Water Sorption Coefficient	cm ³ _{water} /g _{soil}	Equation R20 in Appendix C, Table C	Chemical-Specific
k_s (inorganics)	Soil Water Sorption Coefficient	cm ³ _{water} /g _{soil}	Appendix C, Table J	Chemical-Specific
L_s	Depth to Subsurface Soil Sources	cm	RBCA	100
LF_{sw}	Leaching Factor	(mg/L _{water})/(mg/kg _{soil})	Equation R14 in Appendix C, Table C	Calculated Value
M	Soil to Skin Adherence Factor	mg/cm ²	RBCA	0.5

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Symbol	Parameter	Units	Source	Parameter Value(s)
f_{oc}	Organic Carbon Content of Soil	g/g	RBCA or Field Measurement (See Appendix C, Table F)	Surface Soil = 0.006 Subsurface Soil = 0.002 or Site-Specific
GW_{comp}	Groundwater Objective at the Compliance Point	mg/L	Appendix B, Table E, 35 IAC 620. Subpart F, or Equation R25 in Appendix C, Table C	Site-Specific
GW_{source}	Groundwater Concentration at the Source	mg/L	Equation R13 in Appendix C, Table C	Calculated Value
H'	Henry's Law Constant	cm ³ _{water} /cm ³ _{air}	Appendix C, Table E	Chemical-Specific
i	Hydraulic Gradient	cm/cm (unitless)	Field Measurement (See Appendix C, Table F)	Site-Specific
I	Infiltration Rate	cm/yr	RBCA	30
IR_{air}	Daily Outdoor Inhalation Rate	m ³ /d	RBCA	20
IR_{soil}	Soil Ingestion Rate	mg/d	RBCA	Residential = 100 Industrial/Commercial = 50 Construction Worker = 480
IR_w	Daily Water Ingestion Rate	L/d	RBCA	Residential = 2 Industrial/Commercial = 1

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Symbol	Parameter	Units	Source	Parameter Value(s)
S_d	Source Width Perpendicular to Groundwater Flow Direction in Vertical Plane	cm	Field Measurement	For Migration to Groundwater Route: Use 200 or Site-Specific For Groundwater remediation objective: Use Site-Specific
S_h	Source Width Perpendicular to Groundwater Flow Direction in Horizontal Plane	cm	Field Measurement	Site-Specific
SF_i	Inhalation Cancer Slope Factor	(mg/kg-d) ⁻¹	IEPA (IRIS/HEAST ¹)	Toxicological-Specific
SF_o	Oral Slope Factor	(mg/kg-d) ⁻¹	IEPA (IRIS/HEAST ¹)	Toxicological-Specific
THQ	Target Hazard Quotient	unitless	RBCA	1
TR	Target Cancer Risk	unitless	RBCA	Residential = 10 ⁻⁶ at the point of human exposure Industrial/Commercial = 10 ⁻⁶ at the point of human exposure Construction Worker = 10 ⁻⁶ at the point of human exposure
U	Specific Discharge	cm/d	Equation R19 in Appendix C, Table C	Calculated Value

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Symbol	Parameter	Units	Source	Parameter Value(s)
Pe	Particulate Emission Rate	g/cm ² -s	RBCA	$6.9 \cdot 10^{-14}$
RAF_d	Dermal Relative Absorption Factor	unitless	RBCA	0.5
RAF_d (PNAs)	Dermal Relative Absorption Factor	unitless	RBCA	0.05
RAF_d (inorganics)	Dermal Relative Absorption Factor	unitless	RBCA	0
RAF_o	Oral Relative Absorption Factor	unitless	RBCA	1.0
$RBSL_{air}$	Carcinogenic Risk-Based Screening Level for Air	μg/m ³	Equation R9 in Appendix C, Table C	Chemical-, Media-, and Exposure Route-Specific
$RBSL_{air}$	Noncarcinogenic Risk-Based Screening Level for Air	μg/m ³	Equation R10 in Appendix C, Table C	Chemical-, Media-, and Exposure Route-Specific
RfD_i	Inhalation Reference Dose	mg/kg-d	IEPA (IRIS/HEAST ¹)	Toxicological-Specific
RfD_o	Oral Reference Dose	mg/(kg-d)	IEPA (IRIS/HEAST ¹)	Toxicological-Specific (Note: for Construction Worker use subchronic reference doses)
SA	Skin Surface Area	cm ² /d	RBCA	3,160

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Symbol	Parameter	Units	Source	Parameter Value(s)
w	Average Soil Moisture Content	g_{water}/g_{soil}	RBCA or Field Measurement (See Appendix C, Table F)	0.1, or Surface Soil (top 1 meter) = 0.1 Subsurface Soil (below 1 meter) = 0.2, or Site-Specific
X	Distance along the Centerline of the Groundwater Plume Emanating from a Source. The x direction is the direction of groundwater flow	cm	Field Measurement	Site-Specific
α_L	Longitudinal Dispersivity	cm	Equation R16 in Appendix C, Table C	Calculated Value
α_T	Transverse Dispersivity	cm	Equation R17 in Appendix C, Table C	Calculated Value
α_V	Vertical Dispersivity	cm	Equation R18 in Appendix C, Table C	Calculated Value
δ_{air}	Ambient Air Mixing Zone Height	cm	RBCA	200

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Symbol	Parameter	Units	Source	Parameter Value(s)
U_{av}	Average Wind Speed Above Ground Surface in Ambient Mixing Zone	cm/s	RBCA	225
U_{gw}	Groundwater Darcy Velocity	cm/yr	Equation R24 in Appendix C, Table C	Calculated Value
VF_p	Volatilization Factor for Surficial Soils Regarding Particulates	kg/m ³	Equation R5 in Appendix C, Table C	Calculated Value
VF_{sub}	Volatilization Factor (Subsurface Soils to Ambient Air)	$(mg/m^3_{air})/(mg/kg_{soil})$ or kg/m ³	Equation R11 in Appendix C, Table C	Calculated Value
VF_u	Volatilization Factor for Surficial Soils	kg/m ³	Use Equations R3 and R4 in Appendix C, Table C	Calculated Value from Equation R3 or R4 (whichever is less)
W	Width of Source Area Parallel to Direction to Wind or Groundwater Movement	cm	Field Measurement	Site-Specific

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Symbol	Parameter	Units	Source	Parameter Value(s)
θ_T	Total Soil Porosity	$\text{cm}^3/\text{cm}^3_{\text{soil}}$	RBCA or Equation R23 in Appendix C, Table C	0.43, or Gravel = 0.25 Sand = 0.32 Silt = 0.40 Clay = 0.36, or Calculated Value
λ	First Order Degradation Constant	d^{-1}	Appendix C, Table E	Chemical-Specific
π	pi			3.1416
ρ_s	Soil Bulk Density	g/cm^3	RBCA or Field Measurement (See Appendix C, Table F)	1.5, or Gravel = 2.0 Sand = 1.8 Silt = 1.6 Clay = 1.7, or Site-Specific
ρ_w	Water Density	g/cm^3	RBCA	1
τ	Averaging Time for Vapor Flux	s	RBCA	9.46×10^8

* HEAST = Health Effects Assessment Summary Tables. USEPA, Office of Solid Waste and Emergency Response. EPA/540/R-95/036. Updated Quarterly.

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Symbol	Parameter	Units	Source	Parameter Value(s)
δ_{gw}	Groundwater Mixing Zone Thickness	cm	RBCA	200
θ_{as}	Volumetric Air Content in Vadose Zone Soils	$\text{cm}^3_{\text{air}}/\text{cm}^3_{\text{soil}}$	RBCA or Equation R21 in Appendix C, Table C	Surface Soil (top 1 meter) = 0.28 Subsurface Soil (below 1 meter) = 0.13, or Gravel = 0.05 Sand = 0.14 Silt = 0.16 Clay = 0.17, or Calculated Value
θ_{ws}	Volumetric Water Content in Vadose Zone Soils	$\text{cm}^3_{\text{water}}/\text{cm}^3_{\text{soil}}$	RBCA or Equation R22 in Appendix C, Table C	Surface Soil (top 1 meter) = 0.15 Subsurface Soil (below 1 meter) = 0.30, or Gravel = 0.20 Sand = 0.18 Silt = 0.16 Clay = 0.17, or Calculated Value

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Section 742. TABLE E Default Physical and Chemical Parameters

CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
Neutral Organics							
83-32-9	Acenaphthene	4.24	0.0421	7.69E-6	0.00636	7,080	0.0034
67-64-1	Acetone	1,000,000	0.124	1.14E-5	0.00159	0.575	0.0495
15972-60-8	Alachlor	242	0.0198	5.69E-6	0.00000132	394	No Data
116-06-3	Aldicarb	6,000	0.0305	7.19E-6	0.000000574	12	0.00109
309-00-2	Aldrin	0.18	0.0132	4.86E-6	0.00697	2,450,000	0.00059
120-12-7	Anthracene	0.0434	0.0324	7.74E-6	0.00267	29,500	0.00075
1912-24-9	Atrazine	70	0.0258	6.69E-6	0.00000005	451	No Data
71-43-2	Benzene	1,750	0.088	9.80E-6	0.228	58.9	0.0009

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
56-55-3	Benzo(a)anthracene	0.0094	0.0510	9.00E-6	0.000137	398,000	0.00051
205-99-2	Benzo(b)fluoranthene	0.0015	0.0226	5.56E-6	0.00455	1,230,000	0.00057
207-08-9	Benzo(k)fluoranthene	0.0008	0.0226	5.56E-6	0.000034	1,230,000	0.00016
65-85-0	Benzoic Acid	3,500	0.0536	7.97E-6	0.0000631	0.600	No Data
50-32-8	Benzo(a)pyrene	0.00162	0.043	9.00E-6	0.0000463	1,020,000	0.00065
111-44-4	Bis(2-chloroethyl)ether	17,200	0.0692	7.53E-6	0.000738	15.5	0.0019
117-81-7	Bis(2-ethylhexyl)phthalate	0.34	0.0351	3.66E-6	0.00000418	15,100,000	0.0018
75-27-4	Bromodichloromethane	6,740	0.0298	1.06E-5	0.0656	55.0	No Data
75-25-2	Bromoform	3,100	0.0149	1.03E-5	0.0219	87.1	0.0019
71-36-3	Butanol	74,000	0.0800	9.30E-6	0.000361	6.92	0.01283
85-68-7	Butyl Benzyl Phthalate	2.69	0.0174	4.83E-6	0.0000517	57,500	0.00385
86-74-8	Carbazole	7.48	0.0390	7.03E-6	0.000000626	3,390	No Data

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
72-55-9	4,4'-DDE	0.12	0.0144	5.87E-6	0.000861	4,470,000	0.000062
50-29-3	4,4'-DDT	0.025	0.0137	4.95E-6	0.000332	2,630,000	0.000062
75-99-0	Dalapon	900,000	0.0414	9.46E-6	0.00000264	5.8	0.005775
53-70-3	Dibenzo(a,h)anthracene	0.00249	0.0202	5.18E-6	0.000000603	3,800,000	0.00037
96-12-8	1,2-Dibromo-3-chloropropane	1,200	0.0212	7.02E-6	0.00615	182	0.001925
106-93-4	1,2-Dibromoethane	4,200	0.0287	8.06E-6	0.0303	93	0.005775
84-74-2	Di-n-butyl Phthalate	11.2	0.0438	7.86E-6	0.000000385	33,900	0.03013
95-50-1	1,2-Dichlorobenzene	156	0.0690	7.90E-6	0.0779	617	0.0019
106-46-7	1,4-Dichlorobenzene	73.8	0.0690	7.90E-6	0.0996	617	0.0019
91-94-1	3,3-Dichlorobenzidine	3.11	0.0194	6.74E-6	0.000000164	724	0.0019

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
1563-66-2	Carbofuran	320	0.0249	6.63E-6	.00377	37	No Data
75-15-0	Carbon Disulfide	1,190	0.104	1.00E-5	1.24	45.7	No Data
56-23-5	Carbon Tetrachloride	793	0.0780	8.80E-6	1.25	174	0.0019
57-74-9	Chlordane	0.056	0.0118	4.37E-6	0.00199	120,000	0.00025
106-47-8	p-Chloroaniline	5,300	0.0483	1.01E-5	0.0000136	66.1	No Data
108-09-7	Chlorobenzene	472	0.0730	8.70E-6	0.152	219	0.0023
124-48-1	Chlorodibromomethane	2,600	0.0196	1.05E-5	0.0321	63.1	0.00385
67-66-3	Chloroform	7,920	0.104	1.00E-5	0.15	39.8	0.00039
95-57-8	2-Chlorophenol	22,000	0.0501	9.46E-6	0.016	388	No Data
218-01-9	Chrysene	0.0016	0.0248	6.21E-6	0.00388	398,000	0.00035
94-75-7	2,4-D	680	0.0231	7.31E-6	0.00000041	451	0.00385
72-54-8	4,4'-DDD	0.09	0.0169	4.76E-6	0.000164	1,000,000	0.000062

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _i) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
75-34-3	1,1-Dichloroethane	5,060	0.0742	1.05E-5	0.23	31.6	0.0019
107-06-2	1,2-Dichloroethane	8,520	0.104	9.90E-6	0.0401	17.4	0.0019
75-35-4	1,1-Dichloroethylene	2,250	0.0900	1.04E-5	1.07	58.9	0.0053
156-59-2	cis-1,2-Dichloroethylene	3,500	0.0736	1.13E-5	0.167	35.5	0.00024
156-60-5	trans-1,2-Dichloroethylene	6,300	0.0707	1.19E-5	0.385	52.5	0.00024
120-83-2	2,4-Dichlorophenol	4,500	0.0346	8.77E-6	0.00013	147	0.00027
78-87-5	1,2-Dichloropropane	2,800	0.0782	8.73E-6	0.115	43.7	0.00027
542-75-6	1,3-Dichloropropylene (cis + trans)	2,800	0.0626	1.00E-5	0.726	45.7	0.061
60-57-1	Dieldrin	0.195	0.0125	4.74E-6	0.000619	21,400	0.00032
84-66-2	Diethyl Phthalate	1,080	0.0256	6.35E-6	0.0000185	288	0.00619
105-67-9	2,4-Dimethylphenol	7,870	0.0584	8.69E-6	0.000082	209	0.0495
51-28-5	2,4-Dinitrophenol	2,790	0.0273	9.06E-6	0.0000182	0.01	0.00132

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _i) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
121-14-2	2,4-Dinitrotoluene	270	0.203	7.06E-6	0.0000038	95.5	0.00192
606-20-2	2,6-Dinitrotoluene	182	0.0327	7.26E-6	0.0000306	69.2	0.00192
88-85-7	Dinoseb	52	0.0215	6.62E-6	0.0000189	1,120	0.002817
117-84-0	Di-n-octyl Phthalate	0.02	0.0151	3.58E-6	0.00274	83,200,000	0.0019
115-29-7	Endosulfan	0.51	0.0115	4.55E-6	0.000459	2,140	0.07629
145-73-3	Endothall	21,000	0.0291	8.07E-6	0.0000000107	0.29	No Data
72-20-8	Endrin	0.25	0.0125	4.74E-6	0.000308	12,300	0.00032
100-41-4	Ethylbenzene	169	0.0750	7.80E-6	0.323	363	0.003
206-44-0	Fluoranthene	0.206	0.0302	6.35E-6	0.00066	107,000	0.00019
86-73-7	Fluorene	1.98	0.0363	7.88E-6	0.00261	13,800	0.000691
76-44-8	Heptachlor	0.18	0.0112	5.69E-6	60.7	1,410,000	0.13
1024-57-3	Heptachlor epoxide	0.2	0.0132	4.23E-6	0.00039	83,200	0.00063

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
91-20-3	Naphthalene	31.0	0.0590	7.50E-6	0.0198	2,000	0.0027
98-95-3	Nitrobenzene	2,090	0.0760	8.60E-6	0.000984	64.6	0.00176
86-30-6	N-Nitrosodiphenylamine	35.1	0.0312	6.35E-6	0.000205	1,290	0.01
621-64-7	N-Nitrosodi-n-propylamine	9,890	0.0545	8.17E-6	0.0000923	24.0	0.0019
87-86-5	Pentachlorophenol	1,950	0.0560	6.10E-6	0.000001	592	0.00045
108-95-2	Phenol	82,800	0.0820	9.10E-6	0.0000163	28.8	0.099
1918-02-1	Picloram	430	0.0255	5.28E-6	0.00000000166	1.98	No Data
1336-36-3	Polychlorinated biphenyls (PCBs)	0.7	-----*	-----*	-----*	309,000	No Data
129-00-0	Pyrene	0.135	0.0272	7.24E-6	0.000451	105,000	0.00018
122-34-9	Simazine	5	0.027	7.36E-6	0.0000000133	133	No Data
100-42-5	Styrene	310	0.0710	8.00E-6	0.113	776	0.0033
93-72-1	2,4,5-TP (Silvex)	31	0.0194	5.83E-6	0.0000000032	5,440	No Data

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
118-74-1	Hexachlorobenzene	6.2	0.0542	5.91E-6	0.0541	55,000	0.00017
319-84-6	alpha-HCH (alpha-BHC)	2.0	0.0142	7.34E-6	0.000435	1,230	0.0025
58-89-9	gamma-HCH (Lindane)	6.8	0.0142	7.34E-6	0.000574	1,070	0.0029
77-47-4	Hexachlorocyclopentadiene	1.8	0.0161	7.21E-6	1.11	200,000	0.012
67-72-1	Hexachloroethane	50	0.0025	6.80E-6	0.159	1,780	0.00192
193-39-5	Indeno(1,2,3-c,d)pyrene	0.000022	0.0190	5.66E-6	0.0000656	3,470,000	0.00047
78-59-1	Isophorone	12,000	0.0623	6.76E-6	0.000272	46.8	0.01238
7439-97-6	Mercury	---	0.0307	6.30E-6	0.467	---	No Data
72-43-5	Methoxychlor	0.045	0.0156	4.46E-6	0.000648	97,700	0.0019
74-83-9	Methyl Bromide	15,200	0.0728	1.21E-5	0.256	10.5	0.01824
75-09-2	Methylene Chloride	13,000	0.101	1.17E-5	0.0898	11.7	0.012
95-48-7	2-Methylphenol	26,000	0.0740	8.30E-6	0.0000492	91.2	0.0495

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
95-47-6	o-Xylene	178	0.087	1.00E-5	0.213	363	0.0019
106-42-3	p-Xylene	185	0.0769	8.44E-6	0.314	389	0.0019
1330-20-7	Xylenes (total)	186	0.0720	9.34E-6	0.25	260	0.0019

Chemical Abstracts Service (CAS) registry number. This number in the format xxx-xx-x, is unique for each chemical and allows efficient searching on computerized data bases.

*Soil remediation objectives are determined pursuant to 40 CFR 761.120, as incorporated by reference at Section 732.104 (the USEPA "PCB Spill Cleanup Policy"), for most sites; persons remediating sites should consult with BOL if calculation of Tier 2 soil remediation objectives is desired.

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CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (D _a) (cm ² /s)	Diffusivity in Water (D _w) (cm ² /s)	Dimensionless Henry's Law Constant (H') (25°C)	Organic Carbon Partition Coefficient (K _{ow}) (L/kg)	First Order Degradation Constant (λ) (d ⁻¹)
127-18-4	Tetrachloroethylene	200	0.0720	8.20E-6	0.754	155	0.00096
108-88-3	Toluene	526	0.0870	8.60E-6	0.272	182	0.011
8001-35-2	Toxaphene	0.74	0.0116	4.34E-6	0.000246	257,000	No Data
120-82-1	1,2,4-Trichlorobenzene	300	0.0300	8.23E-6	0.0582	1,780	0.0019
71-55-6	1,1,1-Trichloroethane	1,330	0.0780	8.80E-6	0.705	110	0.0013
79-00-5	1,1,2-Trichloroethane	4,420	0.0780	8.80E-6	0.0374	50.1	0.00095
79-01-6	Trichloroethylene	1,100	0.0790	9.10E-6	0.422	166	0.00042
95-95-4	2,4,5-Trichlorophenol	1,200	0.0291	7.03E-6	0.000178	1,600	0.00038
88-06-2	2,4,6-Trichlorophenol	800	0.0318	6.25E-6	0.000319	381	0.00038
108-05-4	Vinyl Acetate	20,000	0.0850	9.20E-6	0.021	5.25	No Data
57-01-4	Vinyl Chloride	2,760	0.106	1.23E-6	1.11	18.6	0.00024
108-38-3	m-Xylene	161	0.070	7.80E-6	0.301	407	0.0019

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Section 742. TABLE F Methods for Determining Physical Soil Parameters

Methods for Determining Physical Soil Parameters		
Parameter	Sampling Location ^a	Method
ρ_b (soil bulk density)	Surface	ASTM - D 1556-90 Sand Cone Method ^b
		ASTM - D 2167-94 Rubber Balloon Method ^b
		ASTM - D 2922-91 Nuclear Method ^b
ρ_s (soil particle density)	Subsurface	ASTM - D 2937-94 Drive Cylinder Method ^b
	Surface or Subsurface	ASTM - D 854-92 Specific Gravity of Soil ^b
w (moisture content)	Surface or Subsurface	ASTM - D 4959-89 (Reapproved 1994) Standard ^b
		ASTM - D 4643-93 Microwave Oven ^b
		ASTM - D2216-92 Laboratory Determination ^b
f_{oc} (organic carbon content)	Surface or Subsurface	ASTM - D3017-88 (Reapproved 1993) Nuclear Method ^b
		Equivalent USEPA Method (e.g., sample preparation procedures described in methods 3541 or 3550)
		Nelson and Sommers (1982)
		ASTM - D 2974-87 (Reapproved 1995) Moisture, Ash, and Organic Matter ^b
		USEPA Method 9060A Total Organic Content

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Methods for Determining Physical Soil Parameters		
Parameter	Sampling Location ^a	Method
η or θ_t (total soil porosity)	Surface or Subsurface (calculated)	Equation S24 in Appendix C, Table A for SSL Model, or Equation R23 in Appendix C, Table C for RBCA Model
θ_a or θ_{sa} (air-filled soil porosity)	Surface or Subsurface (calculated)	Equation S21 in Appendix C, Table A for SSL Model, or Equation R21 in Appendix C, Table C for RBCA Model
θ_w or θ_{sw} (water-filled soil porosity)	Surface or Subsurface (calculated)	Equation S20 in Appendix C, Table A for SSL Model, or Equation R22 in Appendix C, Table C for RBCA Model
K (hydraulic conductivity)	Surface or Subsurface	ASTM - D 5084-90 Flexible Wall Permeameter
		Pump Test
i (hydraulic gradient)	Surface or Subsurface	Slug Test
		Field Measurement

This is the location where the sample is collected
As incorporated by reference in Section 742.120.

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Section 742.TABLE G Error Function (erf)

Section 742.TABLE H Q/C Values By Source Area

$$\operatorname{erf}(\beta)=\frac{2}{\sqrt{\pi}} \int_0^{\beta} e^{-\varepsilon^2} d \varepsilon$$

β	erf(β)
0	0
0.05	0.056372
0.1	0.112463
0.15	0.167996
0.2	0.222703
0.25	0.276326
0.3	0.328627
0.35	0.379382
0.4	0.428392
0.45	0.475482
0.5	0.520500
0.55	0.563323
0.6	0.603856
0.65	0.642029
0.7	0.677801
0.75	0.711156
0.8	0.742101
0.85	0.770668
0.9	0.796908
0.95	0.820891
1.0	0.842701
1.1	0.880205
1.2	0.910314

1.3	0.934008
1.4	0.952285
1.5	0.966105
1.6	0.976348
1.7	0.983790
1.8	0.989091
1.9	0.992790
2.0	0.995322
2.1	0.997021
2.2	0.998137
2.3	0.998857
2.4	0.999311
2.5	0.999593
2.6	0.999764
2.7	0.999866
2.8	0.999925
2.9	0.999959
3.0	0.999978

Source (Acres)	Area Q/C Value (g/m(2)-s per kg/m(3))
0.5	97.78
1	85.81
2	76.08
5	65.75
10	59.16
30	50.60

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GRAPHIC MATERIAL
See printed copy of IAC for detail

pH	Benzoic Acid	2-Chloro-phenol	2,4-Dichloro-phenol	Pentachloro-phenol	2,4,5-Trichloro-phenol	2,4,6-Trichloro-phenol	Dinoseb	2,3,5-TP (Silvex)
6.0	9.69E-01	3.96E+02	1.57E+02	1.56E+03	2.21E+03	7.96E+02	2.84E+03	5.64E+03
6.1	8.75E-01	3.96E+02	1.57E+02	1.33E+03	2.17E+03	7.48E+02	2.43E+03	5.59E+03
6.2	7.99E-01	3.96E+02	1.56E+02	1.15E+03	2.12E+03	6.97E+02	2.10E+03	5.55E+03
6.3	7.36E-01	3.95E+02	1.55E+02	9.98E+02	2.06E+03	6.44E+02	1.83E+03	5.52E+03
6.4	6.89E-01	3.94E+02	1.54E+02	8.77E+02	1.99E+03	5.89E+02	1.62E+03	5.50E+03
6.5	6.51E-01	3.93E+02	1.53E+02	7.81E+02	1.91E+03	5.33E+02	1.45E+03	5.48E+03
6.6	6.20E-01	3.92E+02	1.52E+02	7.03E+02	1.82E+03	4.80E+02	1.32E+03	5.46E+03
6.7	5.95E-01	3.90E+02	1.50E+02	6.40E+02	1.71E+03	4.29E+02	1.21E+03	5.45E+03
6.8	5.76E-01	3.88E+02	1.47E+02	5.92E+02	1.60E+03	3.81E+02	1.12E+03	5.44E+03
6.9	5.60E-01	3.86E+02	1.45E+02	5.52E+02	1.47E+03	3.38E+02	1.05E+03	5.43E+03
7.0	5.47E-01	3.83E+02	1.41E+02	5.21E+02	1.34E+03	3.00E+02	9.96E+02	5.43E+03
7.1	5.38E-01	3.79E+02	1.38E+02	4.96E+02	1.21E+03	2.67E+02	9.52E+02	5.42E+03
7.2	5.32E-01	3.75E+02	1.33E+02	4.76E+02	1.07E+03	2.39E+02	9.18E+02	5.42E+03
7.3	5.25E-01	3.69E+02	1.28E+02	4.61E+02	9.43E+02	2.15E+02	8.90E+02	5.42E+03
7.4	5.19E-01	3.62E+02	1.21E+02	4.47E+02	8.19E+02	1.95E+02	8.68E+02	5.41E+03
7.5	5.16E-01	3.54E+02	1.14E+02	4.37E+02	7.03E+02	1.78E+02	8.50E+02	5.41E+03
7.6	5.13E-01	3.44E+02	1.07E+02	4.29E+02	5.99E+02	1.64E+02	8.36E+02	5.41E+03

pH	Benzoic Acid	2-Chloro-phenol	2,4-Dichloro-phenol	Pentachloro-phenol	2,4,5-Trichloro-phenol	2,4,6-Trichloro-phenol	Dinoseb	2,3,5-TP (Silvex)
7.7	5.09E-01	3.33E+02	9.84E+01	4.23E+02	5.07E+02	1.53E+02	8.25E+02	5.41E+03
7.8	5.06E-01	3.19E+02	8.97E+01	4.18E+02	4.26E+02	1.44E+02	8.17E+02	5.41E+03
7.9	5.06E-01	3.04E+02	8.07E+01	4.14E+02	3.57E+02	1.37E+02	8.10E+02	5.41E+03
8.0	5.06E-01	2.86E+02	7.17E+01	4.10E+02	2.98E+02	1.31E+02	8.04E+02	5.41E+03

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Section 742. TABLE I
K[oc] Values for Ionizing Organics as a Function of pH
(cm(3)/g or L/kg)

pH	Benzoic Acid	2-Chloro-phenol	2,4-Dichloro-phenol	Pentachloro-phenol	2,4,5-Trichloro-phenol	2,4,6-Trichloro-phenol	Dinoseb	2,3,5-TP (Silvex)
4.5	1.07E+01	3.98E+02	1.59E+02	1.34E+04	2.37E+03	1.06E+03	3.00E+03	1.28E+04
4.6	9.16E+00	3.98E+02	1.59E+02	1.24E+04	2.37E+03	1.05E+03	2.71E+03	1.13E+04
4.7	7.79E+00	3.98E+02	1.59E+02	1.13E+04	2.37E+03	1.05E+03	2.41E+03	1.01E+04
4.8	6.58E+00	3.98E+02	1.59E+02	1.02E+04	2.37E+03	1.05E+03	2.12E+03	9.16E+03
4.9	5.54E+00	3.98E+02	1.59E+02	9.05E+03	2.37E+03	1.04E+03	1.85E+04	8.40E+03
5.0	4.64E+00	3.98E+02	1.59E+02	7.96E+03	2.36E+03	1.03E+03	1.59E+04	7.76E+03
5.1	3.88E+00	3.98E+02	1.59E+02	6.93E+03	2.36E+03	1.02E+03	1.36E+04	7.30E+03
5.2	3.25E+00	3.98E+02	1.59E+02	5.97E+03	2.35E+03	1.01E+03	1.15E+04	6.91E+03
5.3	2.72E+00	3.98E+02	1.59E+02	5.10E+03	2.34E+03	9.99E+02	9.66E+03	6.60E+03
5.4	2.29E+00	3.98E+02	1.58E+02	4.32E+03	2.33E+03	9.82E+02	8.10E+03	6.36E+03
5.5	1.94E+00	3.97E+02	1.58E+02	3.65E+03	2.32E+03	9.62E+02	6.77E+03	6.16E+03
5.6	1.65E+00	3.97E+02	1.58E+02	3.07E+03	2.31E+03	9.38E+02	5.65E+03	6.00E+03
5.7	1.42E+00	3.97E+02	1.58E+02	2.58E+03	2.29E+03	9.10E+02	4.73E+03	5.88E+03
5.8	1.24E+00	3.97E+02	1.58E+02	2.18E+03	2.27E+03	8.77E+02	3.97E+03	5.78E+03
5.9	1.09E+00	3.97E+02	1.57E+02	1.84E+03	2.24E+03	8.39E+02	3.35E+03	5.70E+03

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Section 742.TABLe J Values to be Substituted for k[s] when Evaluating Inorganics as a Function of pH (cm(3)[water]/g(soil))

pH	As	Ba	Be	Cd	Cr (+3)	Cr (+6)	Hg	Ni	Ag	Se	Tl	Zn
4.9	2.5E+01	1.1E+01	2.3E+01	1.5E+01	1.2E+03	3.1E+01	4.0E-02	1.6E+01	1.0E-01	1.8E+01	4.4E+01	1.6E+01
5.0	2.5E+01	1.2E+01	2.6E+01	1.7E+01	1.9E+03	3.1E+01	6.0E-02	1.8E+01	1.3E-01	1.7E+01	4.5E+01	1.8E+01
5.1	2.5E+01	1.4E+01	2.8E+01	1.9E+01	3.0E+03	3.0E+01	9.0E-02	2.0E+01	1.6E-01	1.6E+01	4.6E+01	1.9E+01
5.2	2.6E+01	1.5E+01	3.1E+01	2.1E+01	4.9E+03	2.9E+01	1.4E-01	2.2E+01	2.1E-01	1.5E+01	4.7E+01	2.1E+01
5.3	2.6E+01	1.7E+01	3.5E+01	2.3E+01	8.1E+03	2.8E+01	2.0E-01	2.4E+01	2.6E-01	1.4E+01	4.8E+01	2.3E+01
5.4	2.6E+01	1.9E+01	3.8E+01	2.5E+01	1.3E+04	2.7E+01	3.0E-01	2.6E+01	3.3E-01	1.3E+01	5.0E+01	2.5E+01
5.5	2.6E+01	2.1E+01	4.2E+01	2.7E+01	2.1E+04	2.7E+01	4.6E-01	2.8E+01	4.2E-01	1.2E+01	5.1E+01	2.6E+01
5.6	2.6E+01	2.2E+01	4.7E+01	2.9E+01	3.5E+04	2.6E+01	6.9E-01	3.0E+01	5.3E-01	1.1E+01	5.2E+01	2.8E+01
5.7	2.7E+01	2.4E+01	5.3E+01	3.1E+01	5.5E+04	2.5E+01	1.0E-00	3.2E+01	6.7E-01	1.1E+01	5.4E+01	3.0E+01
5.8	2.7E+01	2.6E+01	6.0E+01	3.3E+01	8.7E+04	2.5E+01	1.6E-00	3.4E+01	8.4E-01	9.8E+00	5.5E+01	3.2E+01
5.9	2.7E+01	2.8E+01	6.9E+01	3.5E+01	1.3E+05	2.4E+01	2.3E-00	3.6E+01	1.1E+00	9.2E+00	5.6E+01	3.4E+01
6.0	2.7E+01	3.0E+01	8.2E+01	3.7E+01	2.0E+05	2.3E+01	3.5E-00	3.8E+01	1.3E+00	8.6E+00	5.8E+01	3.6E+01
6.1	2.7E+01	3.1E+01	9.9E+01	4.0E+01	3.0E+05	2.3E+01	5.1E-00	4.0E+01	1.7E+00	8.0E+00	5.9E+01	3.9E+01
6.2	2.8E+01	3.3E+01	1.2E+02	4.2E+01	4.2E+05	2.2E+01	7.5E-00	4.2E+01	2.1E+00	7.5E+00	6.1E+01	4.2E+01
6.3	2.8E+01	3.5E+01	1.6E+02	4.4E+01	5.8E+05	2.2E+01	1.1E+01	4.5E+01	2.7E+00	7.0E+00	6.2E+01	4.4E+01
6.4	2.8E+01	3.6E+01	2.1E+02	4.8E+01	7.7E+05	2.1E+01	1.6E+01	4.7E+01	3.4E+00	6.5E+00	6.4E+01	4.7E+01
6.5	2.8E+01	3.7E+01	2.8E+02	5.2E+01	9.9E+05	2.0E+01	2.2E+01	5.0E+01	4.2E+00	6.1E+00	6.6E+01	5.1E+01
6.6	2.8E+01	3.9E+01	3.9E+02	5.7E+01	1.2E+06	2.0E+01	3.0E+01	5.4E+01	5.3E+00	5.7E+00	6.7E+01	5.4E+01

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

pH	As	Ba	Be	Cd	Cr (+3)	Cr (+6)	Hg	Ni	Ag	Se	Tl	Zn
6.7	2.9E+01	4.0E+01	5.5E+02	6.4E+01	1.5E+06	1.9E+01	4.0E+01	5.8E+01	6.6E+00	5.3E+00	6.9E+01	5.8E+01
6.8	2.9E+01	4.1E+01	7.9E+02	7.5E+01	1.8E+06	1.9E+01	5.2E+01	6.5E+01	8.3E+00	5.0E+00	7.1E+01	6.2E+01
6.9	2.9E+01	4.2E+01	1.1E+03	9.1E+01	2.1E+06	1.8E+01	6.6E+01	7.4E+01	1.0E+01	4.7E+00	7.3E+01	6.8E+01
7.0	2.9E+01	4.2E+01	1.7E+03	1.1E+02	2.5E+06	1.8E+01	8.2E+01	8.8E+01	1.3E+01	4.3E+00	7.4E+01	7.5E+01
7.1	2.9E+01	4.3E+01	2.5E+03	1.5E+02	2.8E+06	1.7E+01	9.9E+01	1.1E+02	1.6E+01	4.1E+00	7.6E+01	8.3E+01
7.2	3.0E+01	4.4E+01	3.8E+03	2.0E+02	3.1E+06	1.7E+01	1.2E+02	1.4E+02	2.0E+01	3.8E+00	7.8E+01	9.5E+01
7.3	3.0E+01	4.4E+01	5.7E+03	2.8E+02	3.4E+06	1.6E+01	1.3E+02	1.8E+02	2.5E+01	3.5E+00	8.0E+01	1.1E+02
7.4	3.0E+01	4.5E+01	8.6E+03	4.0E+02	3.7E+06	1.6E+01	1.5E+02	2.5E+02	3.1E+01	3.3E+00	8.2E+01	1.3E+02
7.5	3.0E+01	4.6E+01	1.3E+04	5.9E+02	3.9E+06	1.6E+01	1.6E+02	3.5E+02	3.9E+01	3.1E+00	8.5E+01	1.6E+02
7.6	3.1E+01	4.6E+01	2.0E+04	8.7E+02	4.1E+06	1.5E+01	1.7E+02	4.9E+02	4.8E+01	2.9E+00	8.7E+01	1.9E+02
7.7	3.1E+01	4.7E+01	3.0E+04	1.3E+03	4.2E+06	1.5E+01	1.8E+02	7.0E+02	5.9E+01	2.7E+00	8.9E+01	2.4E+02
7.8	3.1E+01	4.9E+01	4.6E+04	1.9E+03	4.3E+06	1.4E+01	1.9E+02	9.9E+02	7.3E+01	2.5E+00	9.1E+01	3.1E+02
7.9	3.1E+01	5.0E+01	6.9E+04	2.9E+03	4.3E+06	1.4E+01	1.9E+02	1.4E+03	8.9E+01	2.4E+00	9.4E+01	4.0E+02
8.0	3.1E+01	5.2E+01	1.0E+05	4.3E+03	4.3E+06	1.4E+01	2.0E+02	1.9E+03	1.1E+02	2.2E+00	9.6E+01	5.3E+02

CARNIVAL-AMUSEMENT SAFETY BOARD

JULY 1997 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.340

1) Rulemaking:

A) Description: The Carnival-Amusement Safety Board has been asked to review the practice of "bungee catapulting" where there is no overhead obstruction that could injure the patron. The Board will consider whether the concept of using two towers, with the rider in a protective shell that is suspended on bungee cords stretched between the towers, should be classed as an amusement ride and not as a bungee catapult. In operation, the bungee cords propel the patron upward and there is no overhead structure which could present a hazard as would be encountered with the earlier form of bungee catapulting.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.

D) Date agency anticipates First Notice: The Board anticipates publishing the first notice in August.

E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.
Chief Inspector
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield, IL 62701
(217) 782-9347

F) Will this rulemaking affect small business, small municipalities or not for profit corporations? No

G) Other pertinent information concerning this rule/amendment: None

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 742.TABIE K Parameter Estimates for Calculating Water-Filled Soil Porosity (Omega[w])

Soil Texture(a)	Saturated Hydraulic Conductivity K[s] (m/yr)	1/((2b+3)(b)
Sand	1,830	0.090
Loamy Sand	540	0.085
Sandy Loam	230	0.080
Silt Loam	120	0.074
Loam	60	0.073
Sandy Clay Loam	40	0.058
Silt Clay Loam	13	0.054
Clay Loam	20	0.050
Sandy Clay	10	0.042
Silt Clay	8	0.042
Clay	5	0.039

(a) The appropriate texture classification is determined by a particle size analysis by ASTM D2488-93 as incorporated by reference in Section 742.210 and the U.S. Department of Agriculture Soil Textural triangle shown in Appendix C, Illustration C.

(b) Where b is the soil-specific exponential parameter (unitless).

HUMAN RIGHTS COMMISSION

July 1997 REGULATORY AGENDA

a) Procedural Rules 56 Ill. Adm. Code 5300

1) Rulemaking: Amendment

A) Description: The proposed amendment of Section 5300.750(b)(4) will specify that a motion to compel a Department of Human Rights employee to testify shall be served on the Department "to the attention of its Chief Legal Counsel."

B) Statutory Authority: Implementing Article 8 and authorized by Section 8-102(E) of the Illinois Human Rights Act (775 ILCS 5/8-102(E)).

C) Scheduled Meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: August 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Ruth Giles Ott
Assistant General Counsel
Illinois Human Rights Commission
100 West Randolph Street
Suite 5-100
Chicago, IL 60601
(312)814-5188

G) Related rulemakings and other pertinent information: None.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 10, 1997 through June 16, 1997 and have been scheduled for review by the Committee at its July 15, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/24/97	Illinois Housing Development Authority, National Affordable Housing Act (HOME) Program (47 Ill Adm Code 371)	4/25/97 21 Ill Reg 5016	7/15/97
7/24/97	Department of Financial Institutions, Illinois Credit Union Act (38 Ill Adm Code 190)	1/24/97 21 Ill Reg 1127	7/15/97
7/26/97	Department of Children and Family Services, Authorized Child Care Payments (89 Ill Adm Code 359)	4/11/97 21 Ill Reg 4342	7/15/97
7/26/97	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	4/11/97 21 Ill Reg 4350	7/15/97
7/26/97	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	4/11/97 21 Ill Reg 4431	7/15/97
7/30/97	Department of Nuclear Safety, Fees for Radioactive Material Licenses (32 Ill Adm Code 331)	4/11/97 21 Ill Reg 4369	7/15/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatate@ccgate.sos.state.il.us (Internet address).

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